FEDERAL REGISTER

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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1956 Emergency Feed Program, Amdt. 2]

PART 475—1956 EMERGENCY FEED PROGRAM

FARMER'S PURCHASE ORDER; ISSUANCE

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 21 F. R. 5079 and containing the specific requirements for the 1956 Emergency Feed Program are hereby amended by deleting the requirement in § 475.28, Farmer's Purchase Order, paragraph (b) (2) that where more than one Purchase Order is issued with respect to one application, all such Purchase Orders shall show the same date of issuance as the first Purchase Order.

§ 475.28 *Farmer's Purchase Order.* * * *

(b) *Issuance.* * * *

(2) Upon receipt of such an approved application within the time specified in subparagraph (1) of this paragraph, the ASC county committee will issue a Purchase Order to the farmer named in the application. At the farmer's request, the ASC county committee may issue two or more Purchase Orders based on one application. If only one Purchase Order is issued with respect to an application, the Purchase Order will show the number of hundredweight of designated surplus feed grains for which the application was approved. If more than one Purchase Order is issued with respect to an application, the total number of hundredweight of designated surplus feed grains shown on such Purchase Orders shall not exceed the number of hundredweight for which the application was approved. If a Purchase Order has been issued and the farmer requests two or more Purchase Orders in lieu thereof, the first Purchase Order must be returned to the ASC county committee for voiding prior to the issuance of the new Purchase Order. It shall be solely the responsibility of the farmer to request the issuance of additional Purchase Orders with respect to an application in sufficient time to permit transfer by him of such Purchase Orders within the required period of time.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 407, 63 Stat. 1055, sec. 301, Pub. Law 480, 83rd Cong.; 7 U. S. C. 1427)

Issued this 25th day of January 1957.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 57-742; Filed, Jan. 30, 1957; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter G—Determination of Proportionate Shares

[Sugar Determination 850.53, Rev.]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA 1957 CROP

MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended, § 850.53, Determination of Proportionate Shares—Domestic Beet Sugar Producing Area—1957 Crop, issued September 25, 1956 (21 F. R. 7426), as amended by amendments issued December 7, 1956 (21 F. R. 9936) and January 2, 1957 (22 F. R. 157) is hereby revised to read as follows:

§ 850.53 *Proportionate shares for farms in the domestic beet sugar area*—(a) (1) *National acreage and State acreage allocations.* A national acreage limitation for 1957-crop sugar beets of 950,000 acres is hereby established and allocated as follows:

State:	*Acres*
California	206,041
Colorado	147,053
Idaho	89,367
Illinois	2,358
Indiana	68
Iowa	1,746
Kansas	8,153
Michigan	83,344

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

State—Continued	Acres
Minnesota	75,088
Montana	57,210
Nebraska	65,657
Nevada	563
New Mexico	853
North Dakota	39,077
Ohio	22,736
Oregon	19,877
South Dakota	6,116
Texas	1,820
Utah	34,175
Washington	34,397
Wisconsin	13,014
Wyoming	38,787
Reserve	2,500
Total	950,000

(2) Acreage within the reserve of 2,500 acres may be allocated by the Director of the Sugar Division, Commodity Stabilization Service, U. S. Department of Agriculture (hereinafter referred to as "Director") to States not listed in this paragraph for the purpose of establishing proportionate shares for farms having sugar beet production records in the crop period 1950–54 or for new producers (as defined in paragraph (j) of this section) in such States; if necessary, to provide acreage for increases in proportionate

shares granted by the Director in accordance with paragraph (n) of this section; and to provide acreage to State Committees for establishing farm proportionate shares for producers whose sugar beet production in a local producing area in the period 1950–56 has been seriously and generally affected by drought, storm, flood, freeze, disease, insects, or similar abnormal and uncontrollable conditions in one State and who undertake in another State to continue sugar beet production and apply to the Agricultural Stabilization and Conservation State Committee of such other State on or before February 15, 1957, for a farm proportionate share. With respect to allocation of acreage from the reserve under the last condition provided above in this subparagraph, the State Committee shall compute a farm proportionate share for such producers in accordance with paragraph (i) of this section on the basis of the sugar beet production record of the land formerly operated by such producer or the personal production record of the operator or combination thereof as transmitted by the State Committee in the State where such operator formerly conducted sugar beet production operations. Each State Committee shall forward to the Director not later than March 1, 1957, a listing of the acreage of the farm shares computed as provided in this subparagraph, for approval and allocation from the reserve to the State Committee for the establishment of farm proportionate shares as approved by the Director.

(b) *Instructions and forms.* The Director shall cause to be prepared for issuance to Agricultural Stabilization and Conservation State Committees such forms and internal management instructions as are necessary for carrying out the regulations of this section. Such instructions shall be approved and issued by the Deputy Administrator for Production Adjustment, Commodity Stabilization Service, U. S. Department of Agriculture (referred to in this section as "Deputy Administrator").

(c) *Proportionate shares.* The proportionate share of the 1957 crop of sugar beets for a farm shall be the acres established for the farm pursuant to this section within the allocation provided under paragraph (a) of this section for the State in which the base of operations for the farm is located, subject to any increase in acreage granted by the Director in accordance with paragraph (n) of this section.

(d) *Administration of proportionate share program.* In each State the Agricultural Stabilization and Conservation State Committee (hereinafter referred to as "State Committee") shall establish individual farm proportionate shares in accordance with the provisions of this section. In carrying out the proportionate share program within the State, the State Committee may utilize the services of members of Agricultural Stabilization and Conservation county committees and may cooperate with advisory committees consisting of sugar beet growers, representatives of sugar beet grower associations, representatives of sugar beet processors or combinations of these groups. The State Committee shall formulate the standards and procedures in written form for establishing proportionate shares within the State in accordance with the provisions of this section. Such standards and procedures shall be reviewed by the Director for conformity with the provisions of this section and to assure reasonable uniformity between adjoining areas in adjacent States, shall be subject to the approval of the Director, and shall be available for public inspection in State and county offices. The basic standards and procedures for each State shall become effective when published in the FEDERAL REGISTER.

(e) *Requests for proportionate shares.* Any operator (the producer who controls and directs the operations on the farm) or owner (or his representative) of a farm for the 1957-crop season desiring a proportionate share, shall file a written request therefor. A form for this purpose may be obtained from local Agricultural Stabilization and Conservation county offices, from fieldmen of sugar companies, or from such other source as the State Committee may designate. The State Committee shall publicize directions for filing such requests. To assure consideration in the initial distribution of acreage pursuant to paragraph (i) or (j) of this section, a request shall be filed on or before the date set forth below for the State: *Provided,* That a request may be accepted after such date for consideration with respect to available acreage, if the State Committee determines that the farm operator or owner was prevented from filing before such date because of absence, illness or other reason beyond his control, and provided, further, that requests may be accepted generally by the State Committee after such date if the total acreage covered by bona fide requests filed by such date by old producers (the operators of the farms for which bases are established pursuant to paragraph (i) of this section) is less than the acreage available for distribution to old producers, or if acreage is available within the area allotment, as established pursuant to paragraph (h) of this section:

State:	Date
California:	
Northern Area	Oct. 26, 1956
Imperial Area	Mar. 29, 1957
Colorado	Feb. 1, 1957
Idaho	Jan. 18, 1957
Illinois	Mar. 15, 1957
Indiana	Mar. 15, 1957
Iowa	Mar. 1, 1957
Kansas	Feb. 1, 1957
Michigan	Feb. 15, 1957
Minnesota	Feb. 1, 1957
Montana	Feb. 1, 1957
Nebraska	Feb. 1, 1957
Nevada	Dec. 15, 1956
New Mexico	Feb. 15, 1957
North Dakota	Feb. 1, 1957
Ohio	Mar. 1, 1957
Oregon:	
Amalgamated Area	Jan. 18, 1957
Utah-Idaho Area	Dec. 14, 1956
South Dakota	Feb. 15, 1957
Texas	Jan. 25, 1957
Utah	Feb. 1, 1957
Washington	Dec. 14, 1956
Wisconsin	Feb. 15, 1957
Wyoming	Feb. 1, 1957

(f) *Waiver of requirements.* If the requested and planted acreages in any State are less than the acreage available for distribution in such State, the requirements of paragraphs (g), (h), (i), (j), and (n) of this section shall not apply and the proportionate shares for individual farms in such State shall be established within the State allocation so as to coincide with the acreages of 1957-crop sugar beets planted on each farm.

(g) *Set-aside acreage for new producers, appeals, and adjustments.* Not less than two percent of the State acreage allocation shall be set aside for establishing proportionate shares for farms operated by new producers and not less than one percent shall be set aside for adjustments under appeals. Any acreage required to supplement the acreage available from initial proportionate shares in excess of requested acreages in making adjustments in initial proportionate shares pursuant to paragraph (i) (4) of this section may also be set aside.

(h) *Subdivision of State acreage allocation.* Before establishing individual farm proportionate shares, the State Committee may subdivide the State acreage allocation into allotments for areas within the State, such as an area served by a beet sugar company, a county, or a group of counties. In making any such subdivision, appropriate weightings, approved by the Director, shall be given to the past production of sugar beets and the ability to produce sugar beets. "Past production" shall be measured by the average planted acreage of the area for not less than three crop years during the period 1950 through 1954, except that if the State Committee determines that the inclusion of one or both of the 1955 and 1956 crop years would provide a more representative period, one or both of such crop years may be included upon prior approval of the Director. "Ability" shall be measured by the area's largest planted acreage during any of the crop years used to measure "past production" or by a combination of planted acreages for any such years. If the State acreage allocation is not subdivided, proportionate shares will be established directly from such allocation and the State shall be deemed to be one allotment area. Subject to the provisions of paragraph (k) of this section, unused acreage in any area may be reallotted by the State Committee among other areas within the State.

(i) *Establishment of individual proportionate shares for old-producer farms—(1) General.* In establishing proportionate shares for individual farms from area allotments, the State Committee shall consider the factors of past production of sugar beets and ability to produce sugar beets. These factors shall be measured as hereinafter provided in this paragraph by reference to the planted sugar beet acreage record of the farm, the "1956-crop share established for the farm", or if the farm operator is a tenant in an area where sugar beet production is organized around tenant-operators rather than around units of land, they may be measured by reference to the personal planted sugar beet acre-

age record of the farm operator within the State or allotment area, as specified in procedure formulated by the State Committee, or they may be measured by a combination of such farm and personal records. However, in an area where such personal records are utilized, the farm base for each farm whose operator is not a tenant or is a tenant with no such personal record shall be established solely from the farm record in the period of crop years used in measuring past production. In case of death or incapacity of a tenant, his personal sugar beet production record shall be credited to the administrator or executor of his estate or to a member of his family, if in the year of such death or incapacity, or in the following year, such administrator, executor, or family member continues as a tenant the customary sugar beet operations of the deceased or incapacitated tenant. As used in this paragraph, the term "1956-crop share established for the farm" shall mean either the 1956-crop share established for the farm, including adjustments made under appeals but excluding any downward adjustment made because the 1956-crop acreage planted on the farm was less than the share originally established for the farm and any upward adjustment made because the 1956-crop shares of other farms were not fully planted, or the initial 1956-crop share which would have been established pursuant to § 850.30, as amended, if it had been requested by the farm operator, except as a 1956-crop new producer.

(2) *Farm bases.* To give effect to the factors of past production and ability to produce, 1957-crop farm bases shall be established for all farms in the allotment area by one of two methods, as follows:

(i) The farm base for each farm will equal the 1956-crop share established for the farm, but if the operator of the farm is a tenant in an area where personal records of tenants will be utilized, as heretofore provided, it will equal the "1956-crop share established for the farm" operated by him for the 1956-crop year. The State Committee may provide under procedures formulated by it that a farm base will not be established as otherwise provided in this subdivision for a farm on which sugar beets were not planted during a specified period comprising at least the crops of 1954 through 1956 and if such a farm is in an area where personal production records are utilized and it is operated by a tenant, such tenant had no personal production record during such a period.

(ii) The farm base for each farm will be determined by applying a formula which gives consideration to the planted sugar beet record of the farm during not less than three crop years in the period 1950 through 1956, or in an area where personal records will be utilized as heretofore provided, to the personal sugar beet planted acreage record of the farm operator or a combination of such farm and personal records during the same selected years: *Provided,* That if such bases are determined solely from farm records, the farm base for a farm on which sugar beets were planted in either the 1955 or 1956 crop year under a new producer share shall not be less than the "1956-crop share established for the farm", and if such bases are determined by utilizing personal records, the farm base for a farm operated by a tenant who planted sugar beets in either the 1955 or 1956 crop year as a new producer within the State or allotment area, as specified in the procedure formulated by the State Committee, shall not be less than the "1956-crop share established for the farm" operated by him for the 1956 crop year.

(3) *Initial shares.* In any allotment area in which the total of farm bases is smaller than the area allotment less the set-asides of acreage made pursuant to paragraph (g) of this section, initial farm proportionate shares shall be established as follows: For farms for which the respective requested acreages are equal to or less than their farm bases, the initial shares shall coincide with the requested acreages; and for all other farms, initial shares shall be computed by prorating to such farms in accordance with their respective bases the area allotment less such set-asides and the total of the initial shares of the farms for which the requested acreages are equal to or less than their farm bases. In any allotment area in which the total of farm bases is in excess of the area allotment less the set-asides of acreage made pursuant to paragraph (g) of this section, initial farm proportionate shares shall be computed by prorating to the farms in accordance with their respective bases, the area allotment less such set-asides.

(4) *Adjustments.* Initial proportionate shares shall be adjusted by the State Committee to the extent determined by it to be necessary to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the allotment area, by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water (where irrigation is used), adequacy of drainage, availability of production and marketing facilities, and the production experience of the operator.

(j) *Establishment of individual proportionate shares for new-producer farms.* Within the acreage set aside for new producers from the State acreage allocation pursuant to paragraph (g) of this section and other unused acreage that the State Committee determines should be used for new producers, proportionate shares will be established in an equitable manner for farms which are to be operated by new producers during the 1957-crop year. For the purpose of this section, except where reference is made to new producers in connection with the 1955 or 1956 crop year, the term "new producer" shall mean the operator of a farm for which a 1957-crop farm base may not be established pursuant to the provisions of paragraph (i) of this section. In determining proportionate shares for new producers, the State Committee shall take into consideration availability and suitability of land, area of available fields, availability of irrigation water (where irrigation is used), adequacy of drainage, availability of production and marketing facilities and the production experience of the operator. The entire acreage set-aside for new producers shall be allotted to new producers, if requested, unless the State Committee finds that new producers would then be allotted shares out of proportion to the shares established for old producers and such committee obtains the approval of the Director to allot a lesser acreage. Any acreage set aside for new producers and not requested and any acreage allotted to new producers and remaining unused, shall be available for distribution to other farms.

(k) *Redistribution of unused proportionate share acreage.* Adjustments in proportionate shares may be made within the State acreage allocation in accordance with procedures established by the State Committee to offset underplanting and failure to plant: *Provided,* That in case of a disagreement between producers and a sugar beet processor with respect to the sugar beet purchase contract to be effective in the settlement area, or where no company offers a contract to producers to cover fully the shares established for their farms, the shares allotted to the farms operated by such producers shall not be reduced unless the affected producers voluntarily agree to reductions in their respective proportionate shares or the State Committee determines that such shares should be reduced because of unusual circumstances and for good cause.

(l) *Small producers, cash tenants, share tenants, and sharecroppers.* In establishing proportionate shares, the State Committee shall, insofar as practicable, protect the interests of small producers and the interests of producers who are cash tenants, share tenants, or sharecroppers.

(m) *Notification of proportionate shares.* Each farm operator filing a request shall be notified in writing on behalf of the State Committee of the proportionate share established in response to his request, even if the acreage established is "none" and such notice shall inform him of his right to appeal under paragraph (n) of this section. In any State to which the provisions of paragraph (f) of this section apply, producers may be furnished a general notice informing them that their proportionate shares will coincide with their respective planted acreages, notwithstanding any prior notices to the contrary.

(n) *Appeals.* A farm operator who believes that the proportionate share established for his farm pursuant to this section is inequitable, may file a written appeal for reconsideration of such proportionate share at the local Agricultural Stabilization and Conservation county office, not later than the date shown in the notification of proportionate share, as established by the State Committee. The appeal shall be accompanied by a statement of facts constituting the basis for such appeal. The appeal shall be reviewed in such county office and forwarded with recommendations to the Agricultural Stabilization and Conservation

State Office. The appeal shall be reviewed and acted upon by the State Committee, or in lieu thereof, by a sugar beet appeals committee to be designated by the State Committee and to be composed of three members, including the State Administrative Officer. Each of the two other members shall be a State committeeman or an employee of the ASC State Office. Any increase in the proportionate share approved by reason of the appeal shall be within the acreage set aside for appeals pursuant to paragraph (g) of this section and any other acreage remaining unused within the State allocation. The operator shall be notified in writing as soon as possible regarding the decision in his case. If the farm operator is dissatisfied with the decision in his case, he may appeal in writing to the Director, whose decision shall be final. In acting upon the appeal, the State Committee, the Sugar Beet Appeals Committee, or the Director shall consider only such matters as under the provisions of this determination are required or permitted to be considered by the State Committee in the establishment of the farm proportionate share to be reviewed.

(o) *Eligibility for payment under the act.* For any producer of 1957-crop sugar beets on the farm to be eligible for payment under the act, the acreage of sugar beets grown on the farm and marketed (or processed) for the production of sugar or liquid sugar shall not exceed the proportionate share determined for the farm in accordance with this section, except that any sugar beets grown on acreage in excess of such proportionate share may be marketed (or processed) for the extraction of sugar or liquid sugar for livestock feed or for the production of livestock feed, if the operator-producer on the farm furnishes to the county committee weight tickets evidencing that such sugar beets were sold by him, or were processed by or for him, for the extraction of sugar or liquid sugar for livestock feed, or the production of livestock feed, and if so sold, were purchased by the processor for such purpose. Also, the requirements of the act with respect to child labor shall have been met, except that such requirements shall not be applicable to any sugar beets marketed (or processed) from an acreage in excess of the proportionate share for the farm for the production of sugar or liquid sugar for livestock feed or for the production of livestock feed if the producer furnishes proof which the county committee finds acceptable and adequate that the work performed by any child subject to such requirements was related solely to such sugar beets. In addition, the requirements of the act and of the regulations issued pursuant thereto with respect to wage rates and, in the case of a processor-producer (a producer who is also a processor), prices paid for sugar beets shall have been met.

(p) *Filing application for payment.* Application for payments authorized under Title III of the act with respect to sugar beets planted on a farm for harvest during the 1957-crop season shall be made on form SU–110 by the producer on the farm, or his legal representative, who must sign the form and file it in the county office for the county where the farm or major portion thereof is located or with a representative of such office no later than December 31, 1959.

(q) *Determination of eligibility and basis for payment; and appeals for review thereof.* Except as otherwise provided in regulations relating to conditional payments, compliance with the conditions prescribed by the act and regulations for any payment authorized under Title III of the act, the facts constituting the basis for any such payment, and the amount thereof, shall be determined by the county committee. Determinations by the county committee shall be made and decided in accordance with the applicable provisions of the act and regulations issued by the Secretary thereunder and on the basis of the facts in the individual case. Within 15 days after notice of such a determination is forwarded to or made available to a producer, he may request the county committee in writing to reconsider such determination. The county committee shall notify him of its decision in writing. If the producer is dissatisfied with the decision of the county committee, he may, within 15 days after the date of mailing of the decision to him, appeal in writing to the State Committee. The State Committee shall notify him of its decision in writing within 30 days after the submission of his appeal. If the producer is dissatisfied with the decision of the State Committee, he may, within 15 days after the date of mailing of the decision to him, request the Secretary to review the decision of the State Committee. The decision of the Secretary shall be final.

(r) *Obtaining information regarding eligibility for payment.* For the purposes of obtaining information, where necessary, to assist the county committee in determining compliance with the conditions prescribed by the act and regulations for payment authorized under Title III of the act, the facts constituting the basis for any such payment, or the amount thereof, or for the purposes of assisting, where necessary, the State Committee or the Secretary in reviewing, upon appeal, any such determination by the county committee, any employees of the county committee designated by the county office manager to be qualified to carry out the duty of ascertaining such information, or any employees of the State Office who are determined by the State Administrative Officer to be qualified to perform such duties, shall visit any farm with respect to which application for such payment is made and enter thereon if such entry will facilitate the acquisition of the required information. Where measurement by an employee of the county committee or State Office is required with respect to the extent of sugar beet acreage growing, harvested, abandoned, or otherwise disposed of on any farm for which application is made for any payment authorized under Title III of the act, the employee of the county committee or the State Office as the case may be, designated as provided in this paragraph, shall measure such acreage by identification of fields or parts of fields by use of a map, aerial photography, or by use of a steel or metallic tape, or by a combination of these methods. In this connection, remeasurements, rechecks and spot checks thereof may be made by the county office manager, county performing supervisor, district performance supervisor or any other employees of the State Office who are determined by the State Administrative Officer to be qualified to perform such duties. If a producer of a sugar beet crop, or the operator (or his representative) of any farm, with respect to which application is made for any payment authorized under Title III of the act, prevents the county committee from obtaining information necessary to determine compliance with the conditions for any such payment or to determine the facts constituting the basis for any such payment or the amount thereof, the conditions prescribed by the act and regulations for any such payment shall be deemed not to have been met until such producer, farm operator (or his representative) permits such information to be obtained.

Statement of bases and considerations. This revision consolidates the provisions of the original determination, issued September 25, 1956, which are to remain in effect, with those made effective by amendments 1 and 2, issued December 7, 1956, and January 2, 1957, respectively, redesignates certain paragraphs and incorporates the increase in the national limitation from 932,000 to 950,000 acres, as announced by the Department in its press release of January 11, 1957.

On January 2, 1957, the national limitation for the 1957 crop of sugar beets was increased from 885,000 acres to 932,000 acres to make available a supply of sugar which would enable the area to meet the then existing quota, as well as carryover requirements. At that time, the total 1957 quotas for the continental United States amounted to 8,800,000 tons and the quota for the beet area was 1,909,188 tons. Due to changes in the sugar supply situation, the total 1957 quotas were increased to 9,000,000 tons on January 11, 1957, and the quota for the beet area was increased to 1,953,952 tons. At the same time, the Department also announced an increase in the national limitation to 950,000 acres for the 1957 crop.

The increase of 18,000 in the 1957 national acreage limitation provided herein will permit the planting of sufficient additional acreage to replace the sugar marketed under the increased quota for the area. The 1957 national acreage limitation of 950,000 acres should provide sufficient sugar supplies to meet the beet sugar quota and provide a normal carryover.

The increase in acreage has been prorated to the sugar beet producing States on the basis of the allocations heretofore established. This affords an equitable basis, since the allotments made previously gave recognition to the factors specified in the act.

Accordingly, I hereby find and conclude that the aforestated determination will effectuate the applicable provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies secs. 301, 302, 61 Stat. 929, 930, as amended; secs. 13, 14 Pub. Law 545, 84th Cong.; 7 U. S. C. 1131, 1132)

Issued this 25th day of January 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 57-710; Filed, Jan. 30, 1957; 8:45 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Orange Reg. 309]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.826 *Orange Regulation 309*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida oranges, including Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all oranges, including Temple oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 29, 1957, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, including Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (7 CFR 51.1140-51.1186).

(2) Orange Regulation 308 (§ 933.823; 22 F. R. 389) is hereby terminated at 12:01 a. m., e. s. t., February 1, 1957.

(3) During the period beginning at 12:01 a. m., e. s. t., February 1, 1957, and ending at 12:01 a. m., e. s. t., February 18, 1957, no handler shall ship:

(i) Any oranges, including Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Bronze;

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than 2$\frac{8}{16}$ inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140-51.1186 of this title): *Provided,* That in determining the percentage of oranges in any lot which are smaller than 2$\frac{8}{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2$\frac{12}{16}$ inches in diameter and smaller; or

(iii) Any Temple oranges, grown in the State of Florida, which are of a size smaller than 2$\frac{9}{16}$ inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the United States Standards for Florida Oranges and Tangelos (7 CFR 51.1140-51.1186).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: January 30, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-786; Filed, Jan. 30, 1957; 11:33 a. m.]

PART 1002—MILK IN GREATER WHEELING MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS OF ORDER, AS AMENDED, REGULATING HANDLING

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and of the order, as amended (7 CFR, Part 1002), regulating the handling of milk in the Greater Wheeling marketing area, hereinafter referred to as the "order", it is hereby found and determined that:

(a) The following provisions of § 1002.51 (a) of the order will not tend to effectuate the declared policy of the Act for the delivery period of February 1957: *"Provided,* That this Class I price shall be increased or decreased by the amount of any 'supply-demand adjustment' effective in the calculation of the Class I price for the preceding month under the terms of the order, as amended, regulating the handling of milk in the Stark County, Ohio, marketing area (Order No. 63, Part 963 of this chapter); and".

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof, are impracticable, unnecessary, and contrary to the public interest in that:

(1) The information on which this action is based did not become available in time sufficient for such compliance;

(2) Producers of more than 50 percent of the milk produced for this market have requested that these provisions be suspended;

(3) It is found necessary to issue and make effective this suspension order to reflect current marketing conditions and to facilitate, promote, and maintain orderly marketing conditions in this marketing area;

(4) The effect of this suspension is to eliminate a negative supply-demand adjustment which would not be in line with supply and demand conditions in this market and would result in misalignment of the price in this market with related markets; and

(5) This suspension order does not require of persons affected substantial or extensive preparation prior to its effective date.

Therefore, good cause exists for making this order effective February 1, 1957.

It is therefore ordered, That the following provisions of § 1002.51 (a) of the order be and hereby are suspended for the delivery period of February 27: *"Pro-*

vided, That this Class I price shall be increased or decreased by the amount of any 'supply-demand adjustment' effective in the calculation of the Class I price for the preceding month under the terms of the order, as amended, regulating the handling of milk in the Stark County, Ohio, marketing area (Order No. 63, Part 963 of this chapter); and".

Done at Washington, D. C., this 29th day of January 1957.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 57-775; Filed, Jan. 30, 1957; 8:52 a. m.]

PART 1009—HANDLING OF MILK IN CLARKSBURG, W. VA., MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS OF ORDER, AS AMENDED, REGULATING HANDLING

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and of the order, as amended (7 CFR, Part 1009), regulating the handling of milk in the Clarksburg, West Virginia, marketing area, hereinafter referred to as the "order", it is hereby found and determined that:

(a) The following provisions of § 1009.51 (a) of the order will not tend to effectuate the declared policy of the act for the delivery period of February 1957: *"Provided,* That this Class I price shall be increased or decreased by the amount of any 'supply-demand adjustment' effective in the calculation of the Class I price for the preceding month under the terms of the order, as amended, regulating the handling of milk in the Stark County, Ohio, marketing area (Order No. 63, Part 963 of this chapter); and".

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof, are impracticable, unnecessary, and contrary to the public interest in that:

(1) The information on which this action is based did not become available in time sufficient for such compliance;

(2) Producers of more than 50 percent of the milk produced for this market have requested that these provisions be suspended;

(3) It is found necessary to issue and make effective this suspension order to reflect current marketing conditions and to facilitate, promote, and maintain orderly marketing conditions in this marketing area;

(4) The effect of this suspension is to eliminate a negative supply-demand adjustment which would not be in line with supply and demand conditions in this market and would result in misalignment of the price in this market with related markets; and

(5) This suspension order does not require of persons affected substantial or extensive preparation prior to its effective date.

Therefore, good cause exists for making this order effective February 1, 1957.

It is therefore ordered, That the following provisions of § 1009.51 (a) of the order be and hereby are suspended for the delivery period of February 1957: *"Provided,* That this Class I price shall be increased or decreased by the amount of any 'supply-demand adjustment' effective in the calculation of the Class I price for the preceding month under the terms of the order, as amended, regulating the handling of milk in the Stark County, Ohio, marketing area (Order No. 63, Part 963 of this chapter); and".

Done at Washington, D. C., this 29th day of January 1957.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 57-774; Filed, Jan. 30, 1957; 8:52 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

[Regs. 3, further amended]

PART 403—FEDERAL OLD-AGE AND SURVIVORS INSURANCE (1940-1950)

TIME WITHIN WHICH REQUEST FOR HEARING MUST BE FILED

Section 403.709 (b) of regulations No. 3 as amended (20 CFR, 403.709 (b)), is amended to read as follows:

§ 403.709 *Hearing.* * * *

(b) *Time and place of filing request for hearing.* (1) The request for hearing shall be made in writing and filed at an office of the Bureau, or with a referee, or with the Office of Appeals Council in the Social Security Administration.

(2) If no request for reconsideration has been filed, as provided in § 403.708 (a) and (b), the request for hearing must be filed within six months from the date of mailing notice of the initial determination, except where the time is extended as provided in §§ 403.701 (j) and 403.711 (a). If a request for reconsideration has been filed, the request for hearing must be filed prior to the expiration of three months after the date of mailing notice of the reconsidered determination, or within six months after the date of mailing notice of the initial determination, whichever is later, except where the time is extended as provided in §§ 403.701 (j) and 403.711 (a). In any case, other than one where hearing is authorized under section 205 (c) (7) of the act, in which the notice of initial determination was mailed prior to August 1, 1956, the request for hearing must be filed within the time specified above, or on or before February 1, 1957, whichever is later, except where the time is extended as provided in §§ 403.701 (j) and 403.711 (a).

(Sec. 1102, 49 Stat. 647 as amended; 42 U. S. C. 1302. Interprets or applies sec. 205, 53 Stat. 1368, as amended, 70 Stat. 831; 42 U. S. C. 405)

[SEAL] W. L. MITCHELL,
Acting Commissioner of Social Security.

Approved: January 28, 1957.

PARKE M. BANTA,
Acting Secretary of Health, Education, and Welfare.

[F. R. Doc. 57-736; Filed, Jan. 30, 1957; 8:49 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF SODIUM 2,2-DICHLOROPROPIONATE

Section 120.150 *Tolerances for residues of sodium 2,2-dichloropropionate,* as published in the FEDERAL REGISTER of January 3, 1957 (22 F. R. 32, 349), is republished as follows, because of the inadvertent omission of the word "sodium" from paragraph (a) and the word "on" from paragraph (b):

§ 120.150 *Tolerances for residues of sodium 2,2-dichloropropionate.* (a) A tolerance of 35 parts per million is established for residues of sodium 2,2-dichloroproprionate as 2,2-dichloropropionic acid in or on cottonseed.

(b) A tolerance of 5 parts per million is established for residues of sodium 2,2-dichloropropionate as 2,2-dichloropropionic acid in or on sugar beets and sugar beet tops.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

This republication makes no substantive change in the order signed by the Commissioner of Food and Drugs on December 27, 1956.

Dated: January 24, 1957.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 57-730; Filed, Jan. 30, 1957; 8:49 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

DEPENDENCY AND INDEMNITY COMPENSATION

1. Under the centerhead "Provisional Regulations" §§ 4.461, 4.462, and 4.464 are redesignated §§ 4.491, 4.492, and 4.493, respectively.

2. Immediately following § 4.322, a new centerhead and the following sections are added as follows:

DEPENDENCY AND INDEMNITY COMPENSATION

GENERAL AND ADMINISTRATIVE

AUTHORITY: §§ 4.420 to 4.480 issued under sec. 209, Pub. Law 881, 84th Cong.

DEPENDENCY AND INDEMNITY COMPENSATION

GENERAL AND ADMINISTRATIVE

§ 4.420 *General.* Effective January 1, 1957, the provisions of these dependency and indemnity compensation regulations are applicable to the payment of compensation for death due to service under the provisions of Public Law 881, 84th Congress, approved August 1, 1956.

(a) Dependency and indemnity compensation shall be payable:

(1) Where death occurred on or after January 1, 1957, or

(2) Where death occurred prior to January 1, 1957, and the claimant was receiving or eligible to receive death compensation on December 31, 1956 (or as to a parent, would have been eligible except for his income), under laws in effect on that date or who subsequently becomes eligible by reason of a death which occurred prior to January 1, 1957.

(b) No person eligible for dependency and indemnity compensation by reason of a death occurring on or after January 1, 1957, shall be eligible by reason of such death for death compensation or pension under any other law administered by the Veterans Administration.

(c) No dependency and indemnity compensation shall be paid, but death compensation may be paid at the rates specified in § 4.122 or 4.124, whichever is applicable, to the widow, children, or parents where an individual dies on or after May 1, 1957, and at the time of death has in effect a policy of National Service life insurance or United States Government life insurance under waiver of premiums under section 622 of the National Service Life Insurance Act of 1940 as amended. This paragraph is not applicable if the deceased person was eligible to waiver of premiums under the first proviso of section 622 (a) of the National Service Life Insurance Act of 1940, as amended, and his death occurred prior to his return to military jurisdiction or within 120 days thereafter.

(d) No dependency and indemnity compensation or death compensation shall be paid to any widow, child, or parent based on the death of a commissioned officer of the Public Health Service or Coast and Geodetic Survey whose death occurs on or after May 1, 1957, if any amounts are payable under the Federal Employees Group Life Insurance Act of 1954 (Pub. Law 598, 83d Cong.) based on the same death.

§ 4.421 *Administrative provisions.* Except as otherwise provided, the administrative, definitive, and regulatory provisions of Public Law 2, 73d Congress, as amended, are for application.

COMMENCING DATES

§ 4.445 *Commencing dates of original awards of dependency and indemnity compensation*—(a) *Deaths prior to January 1, 1957*—(1) *General.* Payment of dependency and indemnity compensation based on a death which occurred before January 1, 1957, shall be effective as of the date a claim is filed; however, payment of such benefit shall become effective as of January 1, 1957, if the claim is filed:

(i) On or before July 1, 1957, or

(ii) Within 1 year after the date of death.

(2) *Prospective claims.* Notwithstanding the provisions of subparagraph (1) of this paragraph, payment of dependency and indemnity compensation shall be effective after January 1, 1957, as of the date when the rate of dependency and indemnity compensation becomes greater than the monthly payment of death compensation or servicemen's indemnity, or both, provided the claim is filed within a reasonable period (generally not to exceed 120 days) before that date.

(3) *Child; widow elects dependency and indemnity compensation.* Where dependency and indemnity compensation is payable to or for a child by reason of a widow's election of this benefit, the commencing date of dependency and indemnity compensation to or for a child for whom death compensation was payable on December 31, 1956, and who was under 18 years of age and not in the widow's custody or who attained the age of 18 years prior to January 1, 1957, shall be the commencing date of the award of dependency and indemnity compensation to the widow. The commencing date of an award of dependency and indemnity compensation to or for a child who is over 18 years of age and who attained that age on or after January 1, 1957, is subject to the requirement of paragraph (d) (1) of this section as to the filing of an application.

(4) *Child; right to servicemen's indemnity in suspension.* The commencing date of an award of dependency and indemnity compensation to or for a child who becomes entitled by reason of the provisions of § 4.429,[1] shall be the date the monthly rate of dependency and indemnity compensation becomes greater than monthly installments of servicemen's indemnity. A claim is not required for this purpose.

(b) *Deaths on or after January 1, 1957.* Dependency and indemnity compensation based on a death which occurs on or after January 1, 1957, shall commence the day following the date of the veteran's death, provided claim is filed within 1 year from date of death, otherwise from date of filing application.

(c) *Contingency.* Payment of dependency and indemnity compensation shall not be made for any period prior to date of happening of the contingency on which entitlement is established.

(d) *Child*—(1) *General.* Dependency and indemnity compensation which is payable to or for a child by reason of a contingency which arises on or after January 1, 1957, shall commence as of the date on which the child's entitlement arises if application is filed within 1 year from that date; otherwise from the date of filing application.

(2) *Posthumous child.* In those cases in which an increased amount of dependency and indemnity compensation is payable under the provisions of § 4.447 (c) to a widow because of the birth of a posthumous child, the commencing date of such increase, if otherwise in order, will be the date of the child's birth, provided notice of the expected or actual birth of the child, meeting the requirements of an informal claim, is received within 1 year from the date of the veteran's death and proof of birth is received within 1 year from the date of request.

(e) *Missing cases.* Where a report of death or finding of death has been made by the Secretary of the service department concerned as to a person who was on active duty status at the time of death and the person was reported missing or missing in action, interned in a neutral country, captured by an enemy, beleaguered, or besieged, as contemplated by Public Law 490, 77th Congress, as amended, or the claim for dependency and indemnity compensation was filed more than 1 year after the date of (actual) death, an original award of dependency and indemnity compensation shall commence:

(1) The day following the date fixed by the Secretary as the date of death (actual) in such report: *Provided,* That claim is filed within 1 year after the date

[1] To be published soon.

the report of death is made; otherwise the date of filing claim. However, in no event shall dependency and indemnity compensation be paid to a dependent for any period prior to the date the report of death was made for which such dependent has received or is entitled to receive an allowance, allotment, or service pay of the deceased.

(2) The day following the date of death (presumptive) fixed by the Secretary in such finding: *Provided,* That claim is filed within 1 year after the date finding of death is made; otherwise, the date of filing claim.

(3) In determining the commencing date of awards of dependency and indemnity compensation under this paragraph, the 1-year time limitation for filing of claim shall commence the date of the finding of (presumptive) death or the date the initial report of (actual) death was made, whichever is the earlier (Pub. Law 419, 78th Congress and sec. 501 (p), Pub. Law 881, 84th Cong.).

(f) *Death due to hospital treatment, etc.* Where the veteran's death is due to circumstances outlined in section 31, Public Law 141, 73d Congress, as amended by section 12, Public Law 866, 76th Congress, section 2, Public Law 16, 78th Congress (par. 4, Part VII, Veterans Regulation 1 (a), (38 U. S. C. ch. 12A)), or Public Law 894, 81st Congress, dependency and indemnity compensation shall be paid provided a claim is filed within 2 years after the date of death and shall commence the day following the date of the veteran's death if claim is filed within 1 year from that date, otherwise from date of claim.

(g) *Correction of military records.* (1) The date of commencement of original awards of dependency and indemnity compensation payable solely as a result of the finding of a board of review or a board for correction of military (or naval) records will be the date authorized by the law under which such compensation is payable but not prior to:

(i) The date of the finding of a board of review established under section 301, Public Law 346, 78th Congress, or if the finding was approved by the Secretary of the service department concerned, the date of such approval;

(ii) The date on which application was filed with the service department for correction of the record when the award of dependency and indemnity compensation is based on a finding of a board for correction of military (or naval) records established under section 207, Public Law 601, 79th Congress, as amended by Public Law 220, 82d Congress. (See also § 4.431.[1])

(2) The date of commencement of original awards of dependency and indemnity compensation payable solely as a result of an administrative determination made by the service departments, other than through boards of review or corrections, based on new evidence or change in policy and views, or both, involving character of discharge, active duty status, line of duty or willful misconduct, will be the date authorized by the law under which dependency and indemnity compensation is payable but not prior to the date of the corrected report or date of recertification.

(h) *Bureau of Employees Compensation cases.* Where death occurred prior to January 1, 1957, and payments have been made by the Bureau of Employees Compensation based on military or naval service, and the claimant is otherwise eligible to receive dependency and indemnity compensation, the commencing date of such benefit shall be the date specified in paragraph (a) of this section but in no event prior to the day following the date of last payment by the Bureau of Employees Compensation.

RATES

§ 4.447 *Widows*—(a) *Basic rate.* The monthly rate of dependency and indemnity compensation for a widow is $112 plus 12 percent of the basic pay of the deceased veteran. This rate is subject to increase as provided in paragraphs (c) and (d) of this section.

(b) *"Basic pay."* The basic pay is the amount certified by the Secretary concerned, provided that if death occurs after separation from service and is due to active duty, the certification shall be based on the veteran's rank and years of service on the date of his last separation from service under conditions other than dishonorable. The certification of the Secretary concerned is binding on the Veterans Administration.

(c) *Increase for children.* If there are two or more children under the age of 18 (including a child who is not in the actual or constructive custody of the widow and a child who enters active military or naval service), the amount payable to the widow shall be increased by $25 monthly for each child under 18 in excess of one, but the total of such increase shall not exceed the difference between the amount which would be payable if the deceased veteran's average monthly wage for the purpose of section 202 of the Social Security Act had been $160 (after reduction under sec. 203 (a) of such act but without regard to deduction provisions of such sec. 203) and the amounts to which the widow or such children under the age of 18 are or would be entitled under:

(1) Section 405 of Public Law 881, 84th Congress;

(2) Section 202 of the Social Security Act (after reduction under sec. 203 (a) of such act but without regard to the deduction provisions of sec. 203) on the basis of the deceased veteran's earnings;

(3) Section 5 of the Railroad Retirement Act of 1937 (after reduction under sec. 4 (i) and sec. 5 (h) of such act) on the basis of such deceased veteran's earnings.

The amounts referred to in subparagraphs (1), (2), and (3) of this paragraph will be the amounts certified by the Secretary of Health, Education, and Welfare or the Railroad Retirement Board, as the case may be.

(d) *Rate payable.* Where the amount determined to be payable under this section involves a fraction of a dollar, the amount shall be increased to the next higher dollar.

(e) *Awards to minor widows.* Payment of dependency and indemnity compensation may be made direct to a widow notwithstanding that she may be a minor (sec. 2, Pub. Law 144, 78th Cong. and sec. 209 (a), Pub. Law 881, 84th Cong.) and notwithstanding that she may have remarried. Direct payment is permissive and not mandatory, and the appointment of a fiduciary for a minor widow may be required if circumstances indicate that this action is advisable.

§ 4.448 *Apportionment*—(a) *Conditions under which apportionment may be made.* Dependency and indemnity compensation will be apportioned where there is a widow and a child or children under 18 years of age and the child or children are not in the actual or constructive custody of the widow. No apportionment will be made for any child solely by reason of the child's entrance into the active military or naval service of the United States; or where the child or children are separated from the widow, due to her incompetency, and a fiduciary has been appointed for the widow, who is providing properly for the children from the widow's estate or income voluntarily or pursuant to a decree of a court of competent jurisdiction.

(b) *Effective dates of apportionment.* The effective date of the apportionment will be the first day of the month (in cases involving one or more payees residing in the Philippines, the first day of the second month) next succeeding that in which notice was received in the Veterans Administration that the child or children are not in the actual or constructive care and custody of the widow: *Provided,* That where prior to the initial award to the widow the lack of custody in the widow is shown, the benefit will be apportioned in accordance with the facts found for all periods affected.

(c) *Rates payable.* (1) Except as provided in subparagraphs (2) and (3) of this paragraph the total amount payable under § 4.447 will be apportioned as follows: The share for each of the children, including those in the widow's custody as well as those who are not in her custody, will be $35 per month. The share for the widow will be the difference between the children's shares and the total amount payable under § 4.447. In the application of this rule, however, the widow's share will not be reduced to an amount less than 50 percent of that to which she would otherwise be entitled, or less than $65, whichever is greater. The balance will be the children's share. In all cases, the share determined for the children will be equally divided among them, and the shares of any child or children in the widow's custody will be added to the widow's share.

(2) Where an additional amount is payable under § 4.447 (c), the additional allowance will be equally divided between the children.

(3) Where the death occurred prior to January 1, 1957, and the widow has elected to receive dependency and indemnity compensation, the share of dependency and indemnity compensation for the children will be whichever is the greater:

[1] To be published soon.

(i) The apportioned share computed under subparagraphs (1) and (2) of this paragraph, or

(ii) The share which would have been payable as death compensation but not in excess of the total dependency and indemnity compensation which is authorized under § 4.447.

(d) *Rate for additional beneficiary.* In any case wherein dependency and indemnity compensation is being currently paid and claim is filed by or for an additional dependent of the veteran, who is entitled to an apportioned share, no reduction will be made in the current award for any period prior to the first of the month (in cases involving one or more payees residing in the Philippines, the first day of the second month) next succeeding that in which the changed award is approved. The amount payable during such period to or for the additional dependent will be the difference between the amount of dependency and indemnity compensation currently being paid and the total amount payable by reason of including the additional dependent. On and after the first day of the month (in cases involving residence in the Philippines, the first day of the second month) next succeeding that in which the changed award is approved, the total amount of compensation or pension will be apportioned as provided in paragraph (c) of this section.

(e) *Special apportionments.* In any case wherein it is clearly shown by competent evidence that the application of the foregoing provisions of paragraphs (a) through (d) of this section will result in undue hardship upon the widow or children, and relief can be afforded without undue hardship to other persons at interest, the director of claims activities in district office and Veterans Benefits Office cases and the adjudication officer in regional office cases shall determine, without regard to the foregoing provisions of paragraphs (a) through (d) of this section, the exact amount to be apportioned to each individual.

(f) *Discontinuance of apportionments; effective dates.* In those cases where dependency and indemnity compensation is apportioned between the widow and a child or children, and payments have been or are being made to such dependents subsequent to the date of cessation of the condition on which it is predicated, the effective date of discontinuance of the apportioned benefit to the child or children shall be the date of last payment, and the award to the widow will be adjusted accordingly: *Provided,* That in the event of one of the contingencies cited in §§ 4.462 and 4.463,[1] the discontinuance shall be effective as provided in such sections.

§ 4.449 *Children.* The following monthly rates of dependency and indemnity compensation are payable:

(a) *Children under 18; no widow.*

One child, $70.
Two children, $100.
Three children, $130.
Plus $25 monthly for each additional child.
Total payable equally divided.

(b) *Children over 18.*

Helpless child, and widow (see note), $70 each child.
Helpless child, no widow, rate under paragraph (a) of this section plus $25 for each child.
School child, and widow (see note), $35 for each child.
School child, no widow, rate under paragraph (a) of this section.

NOTE: Payments to a child will be made direct if the child is competent and has attained majority, otherwise to a fiduciary (see § 4.473), notwithstanding that the child may be in the custody of the widow.

(c) *Other children receiving death compensation.* If children are receiving death compensation and all such children have not applied for dependency and indemnity compensation, the rate of dependency and indemnity compensation for a child shall not exceed the amount which would be paid if all children had applied for dependency and indemnity compensation; and the rate of death compensation shall not exceed the amount which would be paid if all children were receiving this benefit.

(d) *Other children receiving servicemen's indemnity.* Where there is a child or children in receipt of servicemen's indemnity under the circumstances outlined in § 4.429 (b),[1] the rate of dependency and indemnity compensation for another child or children shall not exceed the amount which would be paid if all children were receiving dependency and indemnity compensation.

§ 4.450 *Parents.* The following monthly rates of dependency and indemnity compensation are payable:

(a) *One parent alone.*

Column I Total annual income		Column II
More than—	But equal to or less than—	Monthly rate
---	$750	$75
$750	1,000	60
1,000	1,250	45
1,250	1,500	30
1,500	1,750	15
1,750	---	(1)

[1] No amount payable.

(b) *Two parents not living together.*

Column I Total annual income		Column II
More than—	But equal to or less than—	Monthly rate to each parent
---	$750	$50
$750	1,000	40
1,000	1,250	30
1,250	1,500	20
1,500	1,750	10
1,750	---	(1)

[1] No amount payable.

(c) *Two parents living together, or remarried parent living with spouse.*

Column I Total annual income		Column II
More than—	But equal to or less than—	Monthly rate to each parent
---	$1,000	$50
$1,000	1,350	40
1,350	1,700	30
1,700	2,050	20
2,050	2,400	10
2,400	---	(1)

[1] No amount payable.

(d) *Remarried parents*—(1) *Living with spouse.* For the purposes of paragraph (c) of this section the total combined income of the parent and his or her spouse will determine the rate of dependency and indemnity compensation payable to the parent. The provisions of paragraph (c) of this section are equally applicable where both parents have remarried and each is living with his or her spouse.

(2) *Not living with spouse.* If the remarriage of a parent has been terminated, or the parent is not living with his or her spouse, the rate of dependency and indemnity compensation will be determined under paragraph (a) or (b) of this section, whichever is applicable. (See § 4.444.[1])

(e) *One parent does not file claim.* Where there are two parents living and only one parent has filed claim, the rate of dependency and indemnity compensation will be determined under paragraph (b) or (c) of this section, whichever is applicable.

(f) *Other parent receiving death compensation.* If one parent is receiving death compensation the rate of dependency and indemnity compensation for another parent shall not exceed the amount which would be paid if both parents had applied for dependency and indemnity compensation; and the rate of death compensation shall not exceed the amount if both parents were receiving this benefit.

§ 4.451 *Death due to hospital treatment, etc.* Where the veteran's death is due to circumstances cutlined in section 31, Public Law 141, 73d Congress, as amended by section 12, Public Law 866, 76th Congress, section 2, Public Law 16, 78th Congress (par. 4, Part VII, Vet. Reg. 1 (a) (38 U. S. C. ch. 12A)), or Public Law 894, 81st Congress, the rates outlined in §§ 4.447 to 4.450, as applicable, shall be payable.

§ 4.452 *Philippine service cases.* The rate of dependency and indemnity compensation for widows, children, and parents, as well as amounts of annual income applicable to parents, will be computed on the basis of one Philippine peso for each dollar in cases involving service in the Commonwealth Army of the Philippines or as a guerrilla or in the Philippine Scouts where the veteran was enlisted under section 14, Public Law 190,

[1] To be published soon.

79th Congress (Pub. Laws 301 and 391, 79th Cong., as amended by sec. 501 (i) and (j), Pub. Law 881, 84th Cong.)

§ 4.453 *Awards where widow and/or children do not file claim on the same date*—(a) *General.* In any case where claim has not been filed by or on behalf of the widow or all children who may be entitled, the awards (original or amended) for the widow or children who have filed claim will be made for all periods affected at the rates and in the same manner as though there were no other such dependents: *Provided, however,* That if the file reflects that there is a child or children under 18 years of age for whom no claim has been filed, the award will be made only at the apportioned rate, if as to such children it is possible for a claim to be filed under which benefits may be awarded for a period prior to date of filing claim. If, at the expiration of the period allowed, claims for such additional children have not been filed, the award to the widow or child will be amended to provide for payment at the full rate over the periods affected.

(b) *Computation of rate for additional dependent.* In any case wherein dependency and indemnity compensation is being currently paid and claim is filed by or for an additional dependent, a retroactive adjustment in the current award will be made, provided no overpayment will result. If an overpayment would result, the current award will be reduced as of the first of the month (in cases involving one or more payees residing in the Philippines, the first of the second month) next succeeding that in which the changed award is approved, and the amount payable prior to the date of reduction to or for such additional dependent will be the difference between the amount of dependency and indemnity compensation currently being paid and the total amount payable by reason of including the additional dependent. On and after the first day of the month (in cases involving residence in the Philippines, the first of the second month) next succeeding that in which the changed award is approved, the additional dependent will be entitled to his full share. (For apportioned awards, see § 4.448 (d).)

§ 4.454 *Fractions of 1 cent, in awards.* In all cases where the amount to be paid under any award involves a fraction of a cent, the fractional part will be excluded.

READJUSTMENT IN RATES

§ 4.455 *Readjustment in rates.* (a) In any case in which a payee becomes entitled to receive a greater rate of dependency and indemnity compensation because payment of dependency and indemnity compensation to another payee in the same class has been discontinued, the increased rate will be allowed without the filing of a new application and will be effective the day following the discontinuance of payments to the other payee, provided the evidence necessary to effect the adjustment is received in the Veterans Administration within 1 year from the date of request; otherwise, the increased rate will be effective the date of receipt of the evidence.

(b) If a widow with a child or children under 18 years of age in her custody has been paid dependency and indemnity compensation subsequent to her remarriage and dependency and indemnity compensation is payable on behalf of the child or children from the day following the widow's remarriage (see §§ 4.431 (d)[1] and 4.445 (d)), payments will be adjusted as follows:

(1) If the widow received dependency and indemnity compensation at a rate in excess of that to which the child or children were entitled in their own right, an amended award will be made to the widow authorizing the rate payable to her prior to the date of remarriage and the rate to which the child or children were entitled from the date of remarriage to the date of last payment. The award for the child or children will be made to commence the day following the date of last payment to the widow.

(2) If the rate payable for children in their own right is in excess of that paid to the widow, her award will be discontinued effective date of last payment. The award for the children will be made to commence the date of the widow's remarriage. The rate payable for the children for any period after the date of the widow's remarriage and prior to the date of last payment to her will be the difference between the rate paid to the widow and the rate for the children in their own right, the available balance being equally divided. The full rate for each child will be awarded commencing the day following the date of last payment to the widow.

CONCURRENT PAYMENTS

§ 4.458 *Benefits based on other deaths.* Except as provided in § 4.459, the receipt of pension, compensation, or dependency and indemnity compensation by a widow, child, or parent on account of the death of any person, or receipt by any person of pension or compensation on account of his own service, shall not bar the payment of pension, compensation, or dependency and indemnity compensation on account of the death or disability of any other person.

§ 4.458a *War Orphans' Educational Assistance Act of 1956.* Election of benefits under Public Law 634, 84th Congress, is a bar in the same or any other case to further payments of dependency and indemnity compensation after age 18 because of approved school attendance. Election of benefits under Public Law 634, 84th Congress, is final after one payment has been made under that act to or for the child or as an administrative allowance to the school.

§ 4.459 *Children; two parents in same parental line*—(a) *General.* If a child receives or there is paid on account of a child dependency and indemnity compensation, or death compensation under any law administered by the Veterans Administration, by reason of the death of a parent, dependency and indemnity compensation by reason of the death of another parent in the same parental line may not be paid to or on account of such child.

(b) *Election.* For the purposes of this section, the child (through his fiduciary if the child has not attained majority) may elect to receive benefits based on the service of either veteran. An election of dependency and indemnity compensation based on the service of one parent places the right to dependency and indemnity compensation based on the service of another parent in suspension. The suspension may be lifted at any time by making another election.

(c) *Widow receiving dependency and indemnity compensation.* The receipt of dependency and indemnity compensation by a widow shall not preclude the payment of dependency and indemnity compensation or death compensation to or for a child in her custody who is eligible to receive such benefits based on the service of another father. A child who is not in the widow's custody may not receive an apportioned share of dependency and indemnity compensation in that case and dependency and indemnity or death compensation based on the service of another father in the same parental line.

(d) *Rate for other dependents.* Where a child receives dependency and indemnity compensation or death compensation based on the death of one parent, the rate of dependency and indemnity compensation or death compensation payable to the widow or other children based on the death of another parent in the same parental line shall not exceed the amounts which would be payable if the child were receiving or an additional allowance were being paid for such child in the second case: *Provided further,* That no increase shall be allowed to a widow under the provisions of § 4.447 (c) by reason of a child who is receiving dependency and indemnity compensation or death compensation based on the death of another father.

(e) *Adjustments.* If dependency and indemnity compensation is payable based on the service of one parent, an award of dependency and indemnity compensation or death compensation to or on account of a child will be made subject to any payments of dependency and indemnity compensation or death compensation made to or on account of that child over the same period of time based on the service of another parent in the same parental line.

FORFEITURES

§ 4.467 *Forfeitures incurred prior to January 1, 1957.* Any person who forfeited rights to death benefits under laws in effect prior to January 1, 1957, shall not be entitled to dependency and indemnity compensation.

§ 4.468 *Fraud.* The penal and forfeiture provisions of section 15, Public Law 2, 73d Congress, are made applicable to Public Law 881, 84th Congress, by section 501 (n) of that act.

§ 4.469 *Forfeiture of benefits by a veteran.* Forfeiture of benefits by a veteran

[1] To be published soon.

under the provisions of section 504, World War Veterans' Act, 1924, as amended, or section 15 of Public Law 2, 73d Congress, shall not preclude payments of dependency and indemnity compensation benefits: *Provided,* That no dependency and indemnity compensation shall be paid to any dependent who has participated in the fraud for which the forfeiture was imposed.

§ 4.470 *Treasonable acts.* Any person shown by evidence satisfactory to the Administrator of Veterans' Affairs to be guilty of mutiny, treason, sabotage, or rendering assistance to an enemy of the United States or of its allies, shall forfeit all accrued or future benefits under laws administered by the Veterans Administration pertaining to gratuities for veterans and their dependents: *Provided,* That any part of such benefits may be apportioned and paid to the dependents of such person, not exceeding the amount to which each dependent would be entitled if such person were dead (sec. 4, Pub. Law 144, 78th Cong., act of July 13, 1943). The foregoing is not applicable as to a child or children, regardless of age, who are in the widow's custody and for whom an additional amount is payable to her. Forfeiture by a veteran does not preclude payment of dependency and indemnity compensation which may otherwise be payable to or for a surviving dependent. Any claimant who in time of war resided in territory of or under the military control of an enemy of the United States or of its allies will be required to execute VA Form 8–508.

§ 4.471 *Homicide.* Any person who has wrongfully and intentionally caused the death of another person shall not be entitled to receive dependency and indemnity compensation or increased dependency and indemnity compensation by reason of such death.

GUARDIANSHIP

§ 4.473 *General.* Payment of benefits on behalf of a person who is mentally incompetent or who is a minor (other than a person who is serving in or has been discharged from the military forces of the United States or a minor widow) will be made to a duly appointed fiduciary: *Provided,* That where the total amount payable on behalf of a child or children who are in the widow's custody does not exceed $100 for each child, payment will be made to the widow as legal custodian without reference to the Chief Attorney. (See § 4.447 (e) and § 13.200 of this chapter.)

§ 4.474 *Limitation on payments to a fiduciary for a minor child.* Awards will not be authorized to a fiduciary recognized or appointed for a child, by reason of its minority, for any period subsequent to the day preceding the date on which the child will attain its majority under the law of the State in which the child resides. Payments on and after that date, if otherwise in order, will be made direct to the child, if competent, or, if incompetent, to a fiduciary recognized or appointed for the child as a mentally incompetent adult.

§ 4.475 *Identity in guardianship cases.* When the name of the ward as it appears in the letters of guardianship or Chief Attorney's certification, etc., is not the same as that under which the claim was filed and there is no question of identity, the awards will be made in the name as shown in the letters of guardianship.

§ 4.476 *Letters of guardianship received from other than Chief Attorney.* When letters of guardianship are received from a person other than the Chief Attorney, payments being made direct to the beneficiary concerned will be suspended, and the letters will be forwarded to the proper Chief Attorney for his certification as to the legality of the appointment and adequacy of bond.

§ 4.477 *Payee reported to be incompetent*—(a) *Notice of commitment of payee or appointment of guardian.* If notice is received that a payee has been committed to a hospital for the insane or that a guardian has been appointed and letters of guardianship have not been forwarded, payments being made direct to the dependent will be suspended. The Chief Attorney will be informed of such suspension, and the amount of benefits payable. He will be requested to obtain the appointment of a fiduciary, or to obtain evidence of the appointment of the fiduciary and to forward it with his certificate relative to the adequacy of bond and legality of the appointment. If the dependent is in a hospital for the insane and a guardian has not been appointed, the request will be addressed to the Chief Attorney of the area in which the institution is located.

(b) *Evidence of incompetency other than notice of commitment or of appointment of guardian.* If information other than that described in paragraph (a) of this section is received which indicates that a dependent may be incompetent or that he is not receiving or is being deprived of the full benefits being paid, and an inquiry is desirable to determine whether a fiduciary should be appointed, the information received will be referred to the Chief Attorney of the area in which the beneficiary resides, together with a statement of the kind and amount of benefits being paid, the amount of benefits accrued, if any, the address of the dependent, and whether or not payments have been suspended. Payments will not be suspended pending receipt of a report from the Chief Attorney, unless it is obvious that suspension is necessary as a protective measure. Upon receipt of such information, the Chief Attorney will ascertain the facts by field examination and report them to the office having jurisdiction of the XC-folder, with his recommendation whether a fiduciary should be appointed, whether a neuropsychiatric examination should be authorized, and whether payments, if being made, should be suspended. The Chief Attorney's report will be referred to the rating board for a determination of incompetency or competency pursuant to §§ 3.173 and 3.174 of this chapter. It is the policy of the Veterans Administration not to insist upon the appointment of a guardian in cases of persons of advanced age unless such procedure is absolutely necessary to protect their interests.

§ 4.478 *Marriage of female fiduciary*—(a) *Guardian.* Upon receipt of notice of the marriage of a female guardian who is receiving benefits in her fiduciary capacity, payments will be suspended, and the Chief Attorney will be requested to ascertain whether the guardianship will remain in effect and, if so, whether an order will be made changing the name of the guardian and to furnish a certified copy of any such order; and if no such order will be issued, her statement setting forth the fact of remarriage and her present name shall be accepted.

(b) *Legal custodian.* Where a female custodian has remarried subsequent to such appointment, her statement setting forth the fact of remarriage and her present name shall be accepted. Notice of the change of name will be furnished to the Chief Attorney.

§ 4.479 *Awards where more than one guardian has been appointed.* Certificate showing discharge of a former guardian is not necessary when letters of guardianship show appointment by the same court of a new guardian in place of the former one.

§ 4.480 *Mentally incompetent widow.* An apportionment of dependency and indemnity compensation is not required where children are separated from the widow by reason of her incompetency provided the fiduciary is adequately taking care of the needs of the children from the widow's estate voluntarily or pursuant to a decree of a court of competent jurisdiction. (See § 4.448 (a).)

This regulation is effective January 31, 1957.

[SEAL] H. V. HIGLEY,
Administrator of Veterans Affairs.

[F. R. Doc. 57–734; Filed, Jan. 30, 1957; 8:49 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1385]

[61059]

CALIFORNIA

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF THE ARMY FOR MILITARY PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in California are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and the mineral-leasing laws, and reserved for use of the Department of the Army for military purposes:

MOUNT DIABLO MERIDIAN

T. 11 N., R. 6 W.,
Sec. 27, lot 1.

The tract described contains 16.47 acres.

It is the intent of this order that the withdrawn minerals in the lands shall remain under the jurisdiction of the Department of the Interior, and no disposition shall be made of such minerals except under the applicable United States mining and mineral-leasing laws, and then only after such modification of the provisions of this order as may be necessary to permit such disposition.

HATFIELD CHILSON,
Assistant Secretary of the Interior.

JANUARY 24, 1957.

[F. R. Doc. 57-711; Filed, Jan. 30, 1957; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCES FOR RESIDUES FROM FUMIGATION WITH METHYL BROMIDE

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by The Dow Chemical Company, Midland, Michigan, proposing the establishment of tolerances of 200 parts per million for residues of inorganic bromide (calculated as Br) and 10 parts per million for residues of methyl bromide in or on the following raw agricultural commodities from fumigation with methyl bromide: Almonds, Brazil nuts, bush nuts, butternuts, cashew nuts, chestnuts, filberts (or hazelnuts), hickory nuts, peanuts, pecans, pistachio nuts, walnuts.

The analytical method proposed in the petition for determining residues is the method reported in "Determination of Total and Inorganic Bromide in Foods Fumigated with Methyl Bromide," by S. A. Shrader, A. W. Beshgetoor, and V. A. Stenger, in Industrial and Engineering Chemistry, Analytical Edition, Volume 14, pages 1–4 (1942).

Dated: January 24, 1957.

[SEAL] JOHN L. HARVEY,
Deputy Commisioner of Food and Drugs.

[F. R. Doc. 57-731; Filed, Jan. 30, 1957; 8:49 a. m.]

FEDERAL HOME LOAN BANK BOARD

[24 CFR Part 162]

[No. FSLIC-29]

APPLICATIONS FOR INSURANCE

REJECTION OF INSTITUTION BECAUSE OF INABILITY TO OPERATE NORMALLY

JANUARY 23, 1957.

Resolved that, pursuant to Part 108 of the general regulations of the Federal Home Loan Bank Board (24 CFR Part 108) and § 167.1 of the rules and regulations for insurance of accounts (24 CFR 167.1), it is hereby proposed that, pursuant to section 403, 48 Stat. 1257, as amended (12 U. S. C. 1725), Part 162 of the rules and regulations for insurance of accounts (24 CFR Part 162) be amended by amending the second sentence in § 162.3 (c) to read as follows: "Without the prior written approval of the Corporation no insured institution shall occupy office quarters which are also occupied by any individual or business organization engaged in accepting savings or investment funds from the public or in making loans of a character which the institution is authorized to make."

Resolved further, that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, Washington 25, D. C., not later than March 4, 1957, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F. R. Doc. 57-735; Filed, Jan. 30, 1957; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Internal Revenue Service

ORGANIZATION AND FUNCTIONS

Correction

In F. R. Doc. 56-10503, appearing at page 10418 of the issue for Friday, December 28, 1956, the word "diverting" in § 1113.31 should read "giving".

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

JACQUES BENSA AND AUTOMOBILE COMMERCIALE INTERNATIONALE

ORDER EXTENDING TEMPORARY ORDER DENYING EXPORT PRIVILEGES

In the matter of: Jacques Bensa, doing business as Americauto, 44 rue Brunel, Paris, France. A. C. I., S. A., also known as Automobile Commerciale Internationale, 1 rue de Rive, Geneva, Switzerland; respondents.

An order was heretofore issued which, among other things, denied United States export privileges to the above-named respondents (21 F. R. 7703) and the term thereof was extended to January 28, 1957, by a further order issued December 4, 1956 (21 F. R. 9749) and such order is now subject to appeal. The Bureau of Foreign Commerce Investigation Staff has now applied for a further order to extend the expiration date as it affects the above-named individual and companies until five days from the date when the Appeals Board for the Department of Commerce will have rendered its decision on the written appeal filed by Jacques Bensa and Americauto which was considered by said Board on January 22, 1957. This application was considered by the Compliance Commissioner, who has recommended that the application be granted to the extent hereinafter provided.

Now, after reading the recommendation of the Compliance Commissioner and considering the entire record herein, and sufficient cause appearing therefor:

It is hereby ordered, That the order of October 4, 1956, as extended by order dated December 4, 1956, to the extent that it denied U. S. export privileges to Jacques Bensa, doing business as Americauto, and A. C. I., S. A., also known as Automobile Commerciale Internationale, is hereby further extended for a period of five days beyond the date when the Appeals Board for the Department of Commerce will have rendered its decision on the appeal by Jacques Bensa and Americauto.

Dated: January 28, 1957.

FRANK W. SHEAFFER,
Acting Director,
Office of Export Supply.

[F. R. Doc. 57-737; Filed, Jan. 30, 1957; 8:50 a. m.]

Federal Maritime Board

[Docket No. M-76]

TERMINAL STEAMSHIP CO., INC.

NOTICE OF HEARING ON APPLICATION TO BAREBOAT CHARTER ONE LIBERTY-TYPE DRY-CARGO VESSEL

Notice is hereby given that a public hearing will be held before an Examiner pursuant to section 5 (e) of the Merchant Ship Sales Act of 1946, as amended (Public Law 591, 81st Congress) (50 U. S. C.

App. 1738), on February 7, 1957, at 9:30 a. m., in the offices of the Federal Maritime Board in the New General Accounting Office Building, Fifth and G Streets, NW., Washington, D. C., upon the application of Terminal Steamship Company, Inc., to bareboat charter one Liberty-type dry-cargo vessel owned by the Government for one year for use in carrying sulfur from United States ports on the Gulf of Mexico to ports in the Pacific Northwest, and lumber from the Pacific Northwest to North Atlantic ports.

The purpose of the hearing is to receive evidence with respect to whether the service for which such vessel is proposed to be chartered is required in the public interest and is not adequately served, and with respect to the availability of privately owned American flag vessels for charter on reasonable conditions and at reasonable rates for use in such service. Evidence will be received with respect to any restrictions or conditions that may be necessary or appropriate to protect the public interest in respect of such charter as may be granted, and to protect privately owned vessels against competition from any vessel chartered as a result of this proceeding.

All persons having an interest in the application will be given an opportunity to be heard if present, and oral argument may be had before the Examiner at the conclusion of the receipt of evidence, in lieu of briefs. An initial decision will be issued. The time for filing exceptions thereto is hereby restricted to seven (7) days, and no replies to exceptions will be received.

By order of the Federal Maritime Board.

Dated: January 28, 1957.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-732; Filed, Jan. 29, 1957; 8:54 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification 46]

NEW MEXICO

SMALL TRACT CLASSIFICATION

JANUARY 23, 1957.

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), I hereby classify the following described public lands totalling 20 acres in Otero County, New Mexico as suitable for public sale under the Small Tract Act of June 1, 1938 (52 Stat.; 43 USC 682a), as amended:

NEW MEXICO PRINCIPAL MERIDIAN

T. 17 S., R. 9 E.,
Sec. 12, W½NW¼NE¼.

2. Classification of the above described lands by this order segregates them from all appropriations, including location under the mining laws, except application under the mineral leasing laws.

3. The lands are situated along the eastern edge of Tularosa Valley about two miles south of Alamogordo, New Mexico. U. S. Highway No. 54 from Alamogordo to El Paso, Texas traverses the E½NW¼NE¼ of Sec. 12 in a general north and south direction and within 125 feet of the southeast corner of this tract. The topography is slightly sloping to the west with shallow, often poorly defined washes and wind blown sand which has formed hummocks four or five feet high in the mesquite. There is little vegetation other than mesquite with traces of tobosa and grama grasses. Elevation of the land is 4300 feet, and the climate is mild to warm. Annual precipitation is about 10 inches and relative humidity is low. Culinary water is not available from any presently developed source. Business, educational, religious and recreational facilities are available in the town of Alamogordo, New Mexico.

4. The individual tracts vary in size from 1¼ acres to 2½ acres, more or less, with the longer dimensions extending east and west. The appraised value of the tracts varies from $100.00 to $300.00 per tract as shown below. The lands will be subject to all existing rights-of-way and to rights-of-way as per below. All minerals in the lands will be reserved to the United States.

Tract No.	Acres	Location of right-of-way and description of tract	Appraised value
1	1¼	33 feet along east end of S½SW¼SW¼NW¼NE¼	$100.00
2	1¼	33 feet along east end of N½SW¼SW¼NW¼NE¼	100.00
3	1¼	33 feet along east end of S½NW¼SW¼NW¼NE¼	100.00
4	1¼	33 feet along east end of N½NW¼SW¼NW¼NE¼	100.00
5	1¼	33 feet along east end of S½SW¼NW¼NW¼NE¼	100.00
6	1¼	33 feet along east end of N½SW¼NW¼NW¼NE¼	100.00
7	1¼	33 feet along east end of S½NW¼NW¼NW¼NE¼	100.00
8	1¼	33 feet square at southeast corner N½NW¼NW¼NE¼	100.00
9	1¼	33 feet along south and west end of the N½NE¼NW¼NW¼NE¼	100.00
10	1¼	33 feet along north and west end of the S½NE¼NW¼NW¼NE¼	100.00
11	1¼	33 feet along west end of N½SE¼NW¼NW¼NE¼	100.00
12	1¼	33 feet along west end of S½SE¼NW¼NW¼NE¼	100.00
13	1¼	33 feet along west end of N½NE¼SW¼NW¼NE¼	100.00
14	1¼	33 feet along west end of S½NE¼SW¼NW¼NE¼	100.00
15 [1]	2½	66 feet along south end and 33 feet along west end of SE¼SW¼NW¼NE¼	300.00

[1] Under application from an individual having statutory preference.

5. Persons who have previously acquired a tract under the Small Tract Act are not qualified to purchase a tract at the sale unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

6. The above described tracts, except those for which the statutory preference claimant exercises his right, will be sold at public auction at a public sale to be held at the Land Office, Federal Court House Building, Federal Place, Santa Fe, New Mexico, at 10:30 a. m., May 31, 1957. Bids may be made personally by the applicant or his agent at the sale or may be mailed. Bids sent by mail will be considered only if received at the Sante Fe Land Office prior to 10:30 a. m., May 31, 1957. No bid will be accepted if it is less than the appraised value of the tract. See Paragraph 4 for appraised values.

7. Each bid sent by mail must clearly show (a) the name and post office address of the bidder, (b) Classification Order No. 46, (c) the land description of the tract for which the bid is made, described in accordance with paragraph 4 of this order, (d) whether the bidder is entitled to veterans' preference in accordance with paragraph 8 of this order. Each bid must be accompanied by the full amount bid in the form of a certified or cashier's check, post office money order, or bank draft made payable to the Bureau of Land Management. Each bid must be enclosed in a separate envelope, but payment need only accompany the highest bid, providing all other bids designate the envelope containing the payment. Each envelope must carry on its reverse the following information and nothing else: (a) Classification Order No. 46, January 23, 1957, (b) "Veterans' Preference", if the bidder is entitled to veterans' preference in accordance with paragraph 8, and (c) the description of the tract for which the bid is made, described in accordance with paragraph 4 of this order.

8. All valid applications filed prior to May 31, 1957, will be granted the preference rights provided for by 43 CFR 257.5 (a). In accordance with 43 CFR 257.14 (e), each tract will be awarded to the highest bidder among persons entitled to veterans' preference, and if there be none, to the highest bidder among nonpreference bidders. No person will be awarded more than one tract. Persons entitled to veterans' preference, in brief, are (a) honorably discharged veterans who served at least 90 days after September 15, 1940, (b) surviving spouse or minor orphan children of such veterans, and (c) with the consent of the veteran, the spouse of living veterans. The 90-day requirement does not apply to veterans who were discharged on account of wounds or disability incurred in the line of duty or to the surviving spouse or minor children of veterans killed in the line of duty. Successful bidders among preference claimants will be called upon for proof of the military service upon which their claim is based.

9. All inquiries concerning these lands shall be addressed to the Manager, Land Office, P. O. Box 1251, Santa Fe, New Mexico.

ADLAI S. BAKER,
Acting State Supervisor.

[F. R. Doc. 57-712; Filed, Jan. 30, 1957; 8:45 a. m.]

[Classification 40]

NEW MEXICO

SMALL TRACT CLASSIFICATION; AMENDED

JANUARY 25, 1957.

Pursuant to authority delegated to me by Bureau Order No. 541, dated April

21, 1954 (19 F. R. 2473), I hereby amend Paragraph 5 of Classification Order No. 40, Small Tract Classification appearing in 20 F. R. 3516 to read as follows:

5. Leases will be issued for a term of three years and will contain an option to purchase in accordance with 43 CFR 257.13. The lands will be leased in tracts of approximately 5 acres each (330'x 660') with the longer dimensions extending east and west with the exception of E½NW¼NE¼SW¼ which tract will be leased as described. Advance rental for homesites shall be $60.00 for the 3-year period. An application to lease must be accompanied by the advance rental specified above plus a $10.00 filing fee.

ADLAI S. BAKER,
Acting State Supervisor.

[F. R. Doc. 57-713; Filed, Jan. 30, 1957; 8:45 a. m.]

NEVADA

NOTICE OF WITHDRAWAL AND RESERVATION OF LANDS

JANUARY 17, 1957.

The Civil Aeronautics Administration, Department of Commerce, has filed an application, Serial No. Nevada 044542, for the withdrawal of the lands described below, from all forms of appropriation and use including mineral leasing and mining. The applicant desires the land for the purpose of installing a very high frequency omnirange facility and requests permission to construct an access road thereto.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 1551, Reno, Nevada. If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary of the Interior on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MT. DIABLO MERIDIAN, NEVADA

T. 19 N., R. 21 E.,
Sec. 8: E½SE¼NW¼.

Acreage: 20, more or less.

E. R. GREENSLET,
State Supervisor.

[F. R. Doc. 57-714; Filed, Jan. 30, 1957; 8:46 a. m.]

[Classification Order 511]

CALIFORNIA

SMALL TRACT OPENING

JANUARY 23, 1957.

1. Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 19, 1954 (19 F. R. 7697), I hereby classify the following described public lands totaling 960 acres in San Bernardino County, California, as suitable for lease and sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended:

SAN BERNARDINO BASE AND MERIDIAN

T. 7 N., R. 4 W.,
Sec. 30: SE¼, SE¼NE¼;
Sec. 31: NE¼, N½SE¼, SE¼SE¼;
Sec. 32: N½, N½S½.

Containing 960 acres, subdivided into 192 small tracts, of which 32 are covered by applications from persons entitled to preference under 43 CFR 257.5 (a).

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the Small Tract Act and applications under the mineral leasing laws.

3. The lands are located approximately 10 miles north of Victorville, California. Fair access to the lands is had by three auto trails that lead from U. S. Highway 66-91, which passes within ¼ mile of the westerly edge of the lands.

The topography is characterized by rough, broken, and rolling terrain, situated at elevations ranging from 2,700 to 3,000 feet. Several dry washes run through the area in an east-west direction. The soil is of light texture, varying from loamy sand to rocky sand. The vegetation is desert shrub type, comprised mainly of creosote bush, yucca, and desert sage.

4. The lands will be leased and sold in rectangular tracts of five (5) acres each, more or less, 330 x 660 feet in size, and described as aliquot parts of the section. The appraised value of each tract is $125. The advance three year rental is $30. The tracts will be subject to all existing rights-of-way and rights-of-way for roads and public utilities as described below. Such rights-of-way may be utilized by the Federal Government, or the State, County, or municipality in which the tract is located, or by any agency thereof.

Sec. 30: 33 feet along the interior boundary of the north, east, and south lines of SE¼NE¼, the north, east, and south lines of SE¼, the south line of N½SE¼, and the north line of S½SE¼;
Sec. 31: 33 feet along the interior boundary of the north, east, and south lines of NE¼, the south line of N½NE¼, the north line of S½NE¼, the north and east lines of SE¼, the north and south lines of SE¼SE¼, and the south line of N½SE¼;
Sec. 32: 33 feet along the interior boundary of the north, south, and west lines of N½, the south line of N½N½, the north line of S½N½, and the north, south, and west lines of N½S½.

5. Leases will be issued to qualified applicants for a term of three years and will contain an option to purchase in accordance with 43 CFR 257.13. Lessees who comply with the general terms and conditions of their leases will be permitted to purchase their tracts at the price listed above providing that during the period of their leases they either (a) construct the improvements specified in paragraph 7 or (b) file a copy of an agreement in accordance with 43 CFR 257.13 (d). Leases will be renewable at the discretion of the Bureau of Land Management and the renewal lease will be subject to such terms and conditions as are deemed necessary in the light of the circumstances and the regulations existing at the time of renewal. However, a lease will not be renewable unless failure to construct the required improvements is justified under the circumstances and nonrenewal would work an extreme hardship on the lessee. All minerals in the lands will be reserved to the United States.

6. Persons who have previously acquired a tract under the Small Tract Act are not qualified to secure a tract under this order unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

7. To maintain their rights under their leases, lessees will be required either (a) to construct substantial improvements on their lands, or (b) file a copy of an agreement with their neighbors binding them to construct substantial improvements on their lands. Such improvements must conform with health, sanitation, and construction requirements of local ordinances and must, in addition, meet the following standards:

The residence must be suitable for year-round use, on a permanent foundation, and with a minimum of 400 square feet of floor space. It must be built in a workmanlike manner out of attractive materials properly finished. Adequate disposal and sanitary facilities must be installed. Conventional concrete or cement slab foundations are acceptable. Concrete piers are not acceptable as foundations.

8. The lands are now open to filing of drawing-entry cards (Form 4-775) only by persons entitled to veterans' preference. In brief, persons entitled to such preference are (a) honorably discharged veterans who served in the armed forces of the United States for a period of at least 90 days after September 15, 1940, (b) surviving spouse or minor orphan children of such veterans, and (c) with the consent of the veteran, the spouse of living veterans. The 90-day requirement does not apply to veterans who were discharged on account of wounds or disability incurred in the line of duty or the surviving spouse or minor children of veterans killed in the line of duty. Drawing-entry cards (Form 4-775) are available upon request from the Manager, Land Office, 5th Floor Bartlett Building, 215 West Seventh Street, Los Angeles 14, California.

Drawing-entry cards will be accepted if filled out in compliance with the instructions on the form and with the above-named official prior to 10:00 a. m., May 30, 1957. A drawing will be held on that date or shortly thereafter. Any person who submits more than one card will be declared ineligible to participate in the drawing. Tracts will be assigned to entrants in the order that their names are drawn. All entrants will be notified

of the results of the drawing. Successful entrants will be sent copies of the lease forms (Form 4–776), with instructions as to their execution and return and as to payment of fees and rentals.

9. All valid applications filed prior to January 23, 1957, will be granted the preference right provided for by 43 CFR 257.5 (a).

10. Inquiries concerning these lands shall be addressed to Manager, Land Office, 5th Floor Bartlett Building, 215 West Seventh Street, Los Angeles 14, California.

R. G. SPORLEDER,
Officer-in-Charge, Southern Field Group, Los Angeles, California.

[F. R. Doc. 57–715; Filed, Jan. 30, 1957; 8:46 a. m.]

[Classification Order 513]

CALIFORNIA

SMALL TRACT CLASSIFICATION

JANUARY 23, 1957.

1. Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 19, 1954 (19 F. R. 7697), I hereby classify the following described public lands, totaling 128.46 acres in San Bernardino County, California, as suitable for lease and sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended:

SAN BERNARDINO BASE AND MERIDIAN

T. 6 N., R. 6 W.,
Sec. 4, Lot 2 of NE¼, E½ of Lot 2 of NW¼.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid with a preference right to veterans of World War II and of the Korean conflict and other qualified persons entitled to preference under the Act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279–284), as amended.

4. All valid applications filed prior to January 23, 1957, will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5 (a).

R. G. SPORLEDER,
Officer-in-Charge, Southern Field Group, Los Angeles, California.

[F. R. Doc. 57–716; Filed, Jan. 30, 1957; 8:46 a. m.]

[Classification Order 517]

CALIFORNIA

SMALL TRACT CLASSIFICATION

JANUARY 23, 1957.

1. Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 19, 1954 (19 F. R. 7697), I hereby classify the following described public lands, totaling 165.22 acres in Riverside County, California, as suitable for lease and sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended:

SAN BERNARDINO BASE AND MERIDIAN

T. 4 S., R. 7 E.,
Sec. 4, Lot 2 of NE¼, Lot 2 of NW¼.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid with a preference right to veterans of World War II and of the Korean conflict and other qualified persons entitled to preference under the Act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279–284), as amended.

4. All valid applications filed prior to January 23, 1957, will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5 (a).

R. G. SPORLEDER,
Officer-in-Charge, Southern Field Group, Los Angeles, California.

[F. R. Doc. 57–717; Filed, Jan. 30, 1957; 8:46 a. m.]

Office of the Secretary

ACTING OFFICIALS

REVOCATION OF ORDERS

JANUARY 22, 1957.

The following Secretary's orders or portions of Secretary's orders, relating to acting officials, are revoked.

Sec. 3, 2558, as amended (17 F. R. 8461).
2704 (17 F. R. 8128).
2709 (17 F. R. 10637).
2718 (18 F. R. 1657).
2727 (18 F. R. 4035).
2739 (18 F. R. 7616).
2752 (19 F. R. 1679).
2763 (19 F. R. 4005).
Sec. 3, 2771 (19 F. R. 6664).
Sec. 5, 2781 (20 F. R. 316).

FRED A. SEATON,
Secretary of the Interior.

[F. R. Doc. 57–718; Filed, Jan. 30, 1957; 8:47 a. m.]

[Order No. 2508, Amdt. 16]

BUREAU OF INDIAN AFFAIRS

DELEGATION OF AUTHORITY

JANUARY 23, 1957.

Section 11 *Funds and fiscal matters* of Order No. 2508; as amended (14 F. R. 258; 16 F. R. 473, 11620; 19 F. R. 34, 4585; 20 F. R. 167), is further amended by addition of a new paragraph to read as follows:

(aa) Segregation of the fund on deposit for the Fort Berthold Indians, approval of the Tribal membership roll, approval of expenditures from the segregated fund and any other matters provided for in the act of June 4, 1956 (70 Stat. 228). This authority shall not be redelegated beyond the Area Director.

FRED A. SEATON,
Secretary of the Interior.

[F. R. Doc. 57–719; Filed, Jan. 30, 1957; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 8475, 8148]

GREATER BALTIMORE COMMITTEE, INC.

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given, pursuant to Order No. E–10967, that a prehearing conference in the above-entitled investigations is assigned to be held on February 7, 1957, at 10:00 a. m., e. s. t., in Room 5132, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Leslie G. Donahue.

Dated at Washington, D. C., January 28, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57–743; Filed, Jan. 30, 1957; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11878; FCC 57M–78]

MOBILE COMMUNICATIONS

ORDER CONTINUING HEARING

In the matter of the application of J. B. Wathen, III, d/b as Mobile Communications, Docket No. 11878, File No. 2184–C2–P–56; for a construction permit to establish a new station for two-way communications in the Domestic Public Land Mobile Radio Service at Louisville, Kentucky.

It is ordered, This 25th day of January 1957, that on the Hearing Examiner's own motion the hearing in the above-entitled matter is continued from January 29, 1957, to a date to be determined later.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–739; Filed, Jan. 30, 1957; 8:50 a. m.]

[Docket No. 11899; FCC 57M–74]

TELEVISION DIABLO, INC. (KOVR)

ORDER RESCINDING ORDER

In re application of Television Diablo, Inc. (KOVR), Stockton, California, Docket No. 11899, File No. BPCT–2187; for construction permit to change transmitter site, etc.

It is ordered, This 25th day of January 1957, that the order released January 24, 1957, appointing a hearing examiner and assigning a date for hearing in the above-entitled proceeding, is hereby rescinded.

Released: January 25, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–740; Filed, Jan. 30, 1957; 8:50 a. m.]

[Docket No. 11917 etc.; FCC 57–76]

INDEPENDENT BROADCASTERS ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of C. E. Wilson and P. D. Jackson, d/b as Independent Broadcasters, Redding, California, Docket No. 11917, File No. BP–10,313; Donnelly C. Reeves, John E. Griffin and A. Judson Sturtevant, Jr., d/b as Placer Broadcasters, Auburn, California, Docket No. 11918, File No. BP–10,560; Charles Everett Halstead, Jr., tr/as Golden State Broadcasters, Auburn, California, Docket No. 11919, File No. BP–10,714; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of January 1957;

The Commission having under consideration the above-captioned applications for construction permits for new standard broadcast stations by C. E. Wilson and P. D. Jackson, d/b as Independent Broadcasters, to operate on 950 kilocycles with a power of 1 kilowatt, daytime only, at Redding, California, File No. BP–10,313; by Donnelly C. Reeves, John E. Griffin and A. Judson Sturtevant, Jr., d/b as Placer Broadcasters, to operate on 950 kilocycles with a power of 500 watts, directional antenna, daytime only, at Auburn, California, File No. BP–10,560; and by Charles Everett Halstead, Jr., tr/as Golden State Broadcasters, to operate on 930 kilocycles with a power of 500 watts, daytime only, at Auburn, California, File No. BP–10,714:

It appearing that Charles Everett Halstead, Jr. is legally, financially and technically qualified and that Placer Broadcasters and Independent Broadcasters are legally, financially, technically and otherwise qualified, except as may appear from the issues specified below, to construct and operate their proposed stations, but that operation of the stations as proposed by Placer Broadcasters and Golden State Broadcasters and operation of the stations proposed by Placer Broadcasters and Independent Broadcasters would result in mutually destructive interference; that the operation proposed by Placer Broadcasters would involve interference with Station KROW, Oakland, California; that the operation proposed by Golden State Broadcasters would cause interference to Stations KLX, Oakland, California; KOLO, Reno, Nevada; and KFRE, Fresno, California; and would receive interference from Stations KOLO, KFRE and KIEM, Eureka, California, which interference may affect more than 10 percent of the population in the proposed station's normally protected primary service area in contravention of § 3.28 (c) of the Commission's rules; that in the application of Golden State Broadcasters datum has not been submitted concerning area and population within the pertinent contours as required by paragraph 12 of section V–A; and

It further appearing that on February 4, 1953, the Commission designated for hearing the application of Charles E. Halstead, tr/as Diamond H. Ranch Broadcasters, for a renewal of license of Station KDIA, Auburndale, California, File No. BR–2544, Docket No. 10405, on issues of whether paid political broadcasts over Station KDIA had not been announced as such, whether programs of other stations had been rebroadcast by KDIA without authorization, whether program and operating logs for KDIA from March 1952 to 1953 had been properly maintained, whether the KDIA antenna tower had been properly maintained with particular respect to painting and lighting, whether annual financial and ownership reports for KDIA were properly filed, whether Charles E. Halstead was qualified to remain licensee of Station KDIA and whether a grant of the application for renewal of license would serve the public interest; that in a letter received by the Commission on July 31, 1953, Mr. Halstead stated that he would not appear at the above-referenced hearing and that he had discontinued the operation of KDIA; that on August 5, 1953, the Commission ordered the application for renewal of license of KDIA dismissed and Station KDIA deleted immediately; and that since Mr. Halstead did not appear at this hearing to present evidence on the issues therein, the questions with respect to his qualifications to be a licensee still obtain; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, these applicants were advised by letter dated October 9, 1956, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of any one of the applications would be in the public interest; and

It further appearing that timely replies were filed by Placer Broadcasters and Independent Broadcasters indicating that they would appear at a hearing on their applications; and

It further appearing that on December 27, 1956, Charles E. Halstead, Jr., filed a reply in which, inter alia, he made a request for a grant without hearing of his application for a construction permit for a new station at Auburn, California, and in support thereof stated that no contravention of § 3.28 (c) of the Commission's rules would obtain and further stated, in an engineering affidavit, that his proposed operation would involve no interference with any existing or other proposed operation, but he submitted no engineering data to substantiate the statements; and

It further appearing that after consideration of the replies the Commission is of the opinion that a hearing on these applications is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the operations proposed herein, and the availability of other primary service to such areas and populations.

2. To determine whether the operation proposed by Placer Broadcasters would involve objectionable interference with Station KROW, Oakland, California, or any other existing station, and, if so, the nature and extent thereof, the areas and populations affected thereby, the availability of other primary service to such areas and populations.

3. To determine whether the operation proposed by Golden State Broadcasters would involve objectionable interference with Stations KLX, Oakland, California; KOLO, Reno, Nevada; and KFRE, Fresno, California; or any other existing station, and, if so, the nature and extent thereof, the areas and populations affected thereby, the availability of other primary service to such areas and populations.

4. To determine whether the operation proposed by Golden State Broadcasters would receive interference from Stations KOLO, KFRE and KIEM, Eureka, California; whether the interference received from these stations would affect more than 10 percent of the population in the normally protected primary service area of the operation proposed by Golden State Broadcasters in contravention of § 3.28 (c) of the Commission's rules; and, if so, whether circumstances exist which would here warrant a waiver of § 3.28 (c).

5. To determine the qualifications, other than legal, financial and technical, of Charles Everett Halstead, Jr., to be licensee of a station, with particular reference to the following matters which allegedly occurred while he was licensee of Station KDIA, Auburndale, California:

a. Whether programs were broadcast over facilities of Station KDIA as paid political broadcasts by individuals who were not identified over the station's facilities and were unknown to the licensee, in violation of Section 316 of the Communications Act and §§ 3.119 and 3.120 (d) of the Commission's rules, with particular reference to the broadcast of January 21, 1952, at 10:30 p. m.

b. Whether programs of other broadcast stations were rebroadcast over the facilities of Station KDIA in contravention of the provisions of section 325 (a) of the Communications Act and § 3.121 (b) of the Commission's rules, with particular reference to programs of Stations KFRC, San Francisco, California, and KSBR, San Bruno, California.

c. Whether program and operating logs were maintained for Station KDIA in accordance with the requirements of § 3.111 through § 3.113 and § 3.114 of the Commission's rules, with particular regard to the period from March 1, 1952, to March 2, 1953.

d. Whether the antenna tower of Station KDIA was maintained in accordance with the requirements of § 3.45 (d) of the Commission's rules, with particular reference to the painting and lighting of the tower.

e. Whether annual financial reports (Forms 324) and annual ownership reports (Forms 323) were timely filed by the licensee of Station KDIA in accordance with the requirements of §§ 1.341 and 1.343 of the Commission's rules, and, if not, whether such reports were subsequently filed.

6. To determine in light of section 307 (b) of the Communications Act of 1934, as amended, whether the proposal for Redding, California, or one of the proposals for Auburn, California, would better provide a fair, efficient and equitable distribution of radio service.

7. To determine, in the event that one of the proposals for Auburn, California, is favored under Issue 6, which of the applications of Placer Broadcasters and Golden State Broadcasters would better serve the public interest in the light of the evidence adduced under the foregoing issues and record made with respect to the significant differences between the applicants as to:

a. The background and experience of each of the two applicants to own and operate the proposed stations.

b. The proposal of each of the two applicants with respect to management and operation of the proposed stations.

c. The programming service proposed in each of the two applications.

8. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

It is further ordered, That the Tribune Building Company; KROW, Inc.; Western Broadcasting Company; and California Inland Broadcasting Company; licensees of Stations KLX, Oakland, California; KROW, Oakland, California; KOLO, Reno, Nevada; and KFRE, Fresno, California; respectively, are made parties to the proceeding; and

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein and the above parties hereto, shall, pursuant to § 1.387 of the Commission's rules, in person or by an attorney, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: January 25, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-741; Filed, Jan. 30, 1957; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. 9805 etc.]

HAYS-ANDERSON GAS CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JANUARY 24, 1957.

In the matters of Hays-Anderson Gas Company, Docket No. G-9805; Grass Run Oil and Gas Company, Docket No. G-9894; Hope Natural Gas Company, Docket No. G-10259; Moran and Company, Docket No. G-10448; Boswell-Frates Company, Docket No. G-10454; Cabot Carbon Company, Docket No. G-10544; J. M. Huber Corporation, Docket No. G-10575; Drilling and Exploration Company, Inc., et al., Docket No. G-10597; Amerada Petroleum Corporation, Docket No. G-10612.

Take notice that the above Applicants filed their respective applications for permission to abandon services pursuant to section 7 of the Natural Gas Act, authorizing the above-named Applicants to terminate services as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open for public inspection.

Docket No. G- and Services To Be Abandoned

9805; service to Hope Natural Gas Company from Applicant's acreage in Lee District, Calhoun County, West Virginia.

9894; service to Hope Natural Gas Company from Applicant's acreage in Center District, Gilmer County, West Virginia.

10259; abandonment of the sale of natural gas to Carnegie Natural Gas Company from Applicant's well in Clay District, Monongalia County, West Virginia.

10449; abandonment of service to Equitable Gas Company from the Hanson H. Duncan, et al., lease located in Collins Settlement District, Lewis County, West Virginia.

10454; abandonment of service to Cities Service Gas Company involving casinghead gas from the Tryon & Sporn Oil Field in Lincoln County, Oklahoma.

10544; abandonment of certain facilities consisting of Applicant's University "D" No. 2 well and 1,300 feet of connecting 3-inch pipeline, together with separators, gates, valves, fittings and appurtenances thereto used for the production and sale to El Paso Natural Gas Company of natural gas produced from the West Big Lake Field, Reagan County, Texas.

10575; abandonment of service to The Shamrock Oil and Gas Corporation from five oil wells located on certain of Applicant's leases in the West Panhandle Field, Hutchinson County, Texas.

10597, abandonment of service to Tennessee Gas Transmission Company from the West Ace Field, San Jacinto County, Texas.

10612; termination of the sale of Applicant's share of gas to Arkansas-Louisiana Gas Company from the T. W. Lee Gas Unit "B" in the Willow Springs Field, Gregg County, Texas.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 28, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will not be necessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 17, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 57-720; Filed, Jan. 30, 1957; 8:47 a. m.]

[Docket Nos. G-10800, G-10801]

NORTHERN NATURAL GAS CO. AND THE SHAMROCK OIL AND GAS CORP.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JANUARY 24, 1957.

Northern Natural Gas Company (Northern), a Delaware corporation with its principal place of business at Omaha, Nebraska, filed an application on July 24, 1956, pursuant to section 7 of the Natural Gas Act for authority to construct and operate natural gas facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

The Shamrock Oil and Gas Corporation (Shamrock), a Delaware corporation with its principal place of business at Amarillo, Texas, filed on July 24, 1956, an application for a certificate of public convenience and necessity to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Shamrock proposes to sell natural gas in interstate commerce from the produc-

tion of four wells in the Morrison area, Clark County, Kansas, to Northern for resale.

Northern proposes to construct and operate approximately 2.5 miles of 4½-inch O. D. and 0.8 mile of 6⅝-inch O. D. lateral supply pipeline together with tap, dehydration unit and appurtenances, to enable it to receive natural gas from Shamrock as described above. The estimated total initial cost of the facilities proposed by Northern is $60,000, and will be financed from its company funds.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take notice that pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules and regulations, a hearing will be held on February 28, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 13, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 57-721; Filed, Jan. 30, 1957; 8:47 a. m.]

[Docket No. G-11300]

UNITED GAS PIPELINE CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JANUARY 25, 1957.

Take notice that on October 25, 1956, United Gas Pipe Line Company (Applicant) filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain facilities to enable Applicant to receive, into its existing system, natural gas from Magnolia Petroleum Company (Magnolia) from the Green Field, Karnes County, Texas. Applicant subsequently revised its application by its supplemental filing of November 15, 1956, and as a result now seeks authority to:

Construct and operate a purchase meter station and appurtenant facilities on Applicant's existing 10-inch pipeline in the George Hobbermahar Survey, Abstract 591, Bee County, Texas, together with other facilities required from time to time to connect or to take additional deliveries from wells in the Green Field.

Applicant states that the estimated total cost of the above facilities is $2,796, which cost is to be financed out of Applicant's current working funds.

Applicant further states that the above facilities will be used to enable Applicant to take delivery of certain undetermined daily volumes of gas from the Green Field under a purchase contract with the producer, Magnolia, dated September 24, 1956, as amended November 8, 1956. The estimated total volume of proven reserves in place in the Green Field is 6,776,156 Mcf, and of this amount there are under contract to United 5,789,816 Mcf @ 14.73 psia; and the daily capacity of the proposed metering facilities will be approximately 3,204 Mcf at a pressure of 400 psig.

Applicant will receive the gas from the Green Field into its main system, and commingled with Applicant's other supplies will be transported in interstate commerce for resale.

Applicant alleges that it has designated no particular market for the gas to be acquired from this source but states that such gas will help to assure the continued an uninterrupted flow of natural gas to its customers and the construction of the proposed facilities will commence as soon as a certificate is issued. Said facilities can be completed one month therefrom.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 27, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will not be necessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 17, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 57-723; Filed, Jan. 30, 1957; 8:47 a. m.]

[Project No. 2177]

GEORGIA POWER CO.

CORRECTION TO NOTICE OF SUPPLEMENT TO APPLICATION FOR LICENSE (DATED JANUARY 8, 1957)

JANUARY 24, 1957.

The Notice of Supplement to Application for License in the above-entitled matter erroneously provided February 29, 1957, as the last date upon which protests may be filed. The last date upon which protests may be filed is hereby fixed for March 1, 1957.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 57-722; Filed, Jan. 30, 1957; 8:47 a. m.]

INTERNATIONAL COOPERATION ADMINISTRATION

DEPUTY DIRECTOR FOR MANAGEMENT

DELEGATION OF AUTHORITY TO ISSUE AND AMEND REGULATIONS RELATING TO TRAVEL EXPENSES

Pursuant to the authority vested in me by section 537 (a) (17) of the Mutual Security Act of 1954, as amended, Executive Order 10575, as amended, Executive Order 10610 and State Department Delegation of Authority No. 85, as amended, I hereby delegate to the Deputy Director for Management such authority as I have to issue and amend regulations relating to travel expenses paid out of appropriations which have been made or may be made under the Mutual Security Act of 1954, as amended, including the regulations referred to in section 537 (a) (17) of said act, and he shall be considered my designee for purposes of prescribing such regulations.

JOHN B. HOLLISTER,
Director.

JANUARY 16, 1957.

[F. R. Doc. 57-724; Filed, Jan. 30, 1957; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3549]

AMESBURY ELECTRIC LIGHT CO. ET AL.

NOTICE OF FILING AND ORDER FOR HEARING REGARDING MERGER OF SUBSIDIARIES OF REGISTERED HOLDING COMPANY AND ACQUISITION BY MERGED COMPANY OF CERTAIN PROPERTIES OF AFFILIATED COMPANY

JANUARY 25, 1957.

In the matter of Amesbury Electric Light Company, Essex County Electric Company, Haverhill Electric Company, Lawrence Electric Company, The Lowell

Electric Light Corporation, New England Power Company, New England Electric System.

Notice is hereby given that New England Electric System ("NEES"), a registered holding company, and six of its public utility subsidiaries, namely, Amesbury Electric Light Company ("Amesbury"), Essex County Electric Company ("Essex"), Haverhill Electric Company ("Haverhill"), Lawrence Electric Company ("Lawrence"), The Lowell Electric Light Corporation ("Lowell") and New England Power Company ("NEPCO"), have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act"). Applicants-declarants have designated Sections 6, 7, 9, 10, 12 (d), 12 (e), and 12 (f) of the act and Rules U-43, U-44 and U-62 promulgated thereunder as being applicable to the transactions embraced therein which are summarized as follows:

It is proposed that Amesbury, Haverhill, Lawrence and Lowell, all electric utility companies distributing electric energy at retail in northeastern Massachusetts, be merged into Essex, an electric utility company also serving electric energy at retail in this same general area, the name of which will be changed to Merrimack-Essex Electric Company. At September 30, 1956, NEES owned 99.7 percent of the capital stock of Amesbury, 68.3 percent of the capital stock of Haverhill, 90.4 percent of the capital stock of Lawrence, 59.4 percent of the capital stock of Lowell, and 97.4 of the capital stock of Essex. Since Massachusetts law requires the approval of at least two-thirds in interest of the stockholders of each of the merging companies and NEES now holds less than such interest in Lowell, it is proposed to solicit authorizations from the public holders of stock of Lowell to effectuate the proposed merger.

The proposed merger is to be effected through an exchange of stock of Essex for the stock of Amesbury, Haverhill, Lawrence and Lowell and the assumption by Essex of the liabilities of such companies, including $2,750,000 principal amount of first mortgage bonds of Lawrence and $6,000,000 principal amount of the debenture bonds of Lowell. By the terms of the proposed merger, shares of Essex will be exchanged for shares of the merging companies on the following bases:

1.625 shares of Essex for each share of Amesbury now held;

1.875 shares of Essex for each share of Haverhill now held;

1.25 shares of Essex for each share of Lawrence now held;

2.5 shares of Essex for each share of Lowell now held.

NEES proposes to transfer its investment in shares of the merging companies other than Essex into its investment in Essex.

Immediately following the merger Essex will purchase certain 23 KV transmission lines and materials and supplies from NEPCO which are now being used for delivery of electricity from NEPCO's high tension system to the distribution areas of the merged companies. The purchase price of these properties will be at their net book cost at the date of closing. As of September 30, 1956, the cost aggregated approximately $450,000.

In order to finance this acquisition, Essex proposes to borrow from NEES, not in excess of $450,000. These borrowings are to be evidenced by a promissory note of Essex due less than one year from the date of issuance and bearing interest at the prime rate prevailing at the time of the borrowing.

It is stated in the filing that the Massachusetts Department of Public Utilities has jurisdiction over the proposed merger, the sale of the 23 KV transmission line by NEPCO and the acquisition thereof by Essex. It is further stated that, if approval of this Commission is obtained, the applicant companies, other than NEES, will file a petition with the Massachusetts Department of Public Utilities seeking approval of the transactions within its jurisdiction. It is also represented that the Federal Power Commission has jurisdiction over certain phases of the proposed transactions and that a petition relating thereto will be filed with that Commission by certain of the applicant companies.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a public hearing be held with respect to this matter and that the application should not be granted or declaration permitted to become effective except pursuant to further order of the Commission:

It is ordered, That a hearing on said joint application-declaration, pursuant to the applicable provisions of the Act and the Rules of the Commission, be held on February 20, 1957, at 10:00 o'clock a. m., at the offices of the Commission, 425 Second Street NW., Washington 25, D. C. On said date the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in this proceeding is directed to file with the Securities and Exchange Commission on or before February 18, 1957, a request relative thereto as provided in Rule XVII of the Commission's Rules of Practice.

It is further ordered, That James G. Ewell, or any other officer or officers of this Commission designated by it for that purpose shall preside at such hearing. The officer or officers so designated to preside are hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a Hearing Officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the joint application-declaration and that upon the basis thereof the following matters and questions are presented for consideration, without prejudice to the specifying of additional matters and questions upon further examination:

1. Whether the proposed acquisitions by Essex of the properties of Amesbury, Haverhill, Lawrence and Lowell and the 23 KV transmission lines of NEPCO satisfy the provisions of section 10 of the act, particularly whether such acquisitions will serve the public interest by tending towards the economical and efficient development of an integrated public-utility system.

2. Whether the acquisition by NEES of the additional shares of common stock and the short-term promissory note of Essex satisfies the provisions of section 10 of the act, particularly whether such acquisitions serve the public interest by tending towards the economical and efficient development of an integrated public-utility system.

3. Whether the consideration to be paid by Essex for the utility assets of the merging companies is not reasonable or does not bear a fair relation to the sums invested in or the earning capacity of such utility assets.

4. Whether the terms of the proposed merger, particularly the number of shares of Essex which are to be exchanged for shares of the merging companies, are fair to NEES and to the holders of the stock of the merging companies.

5. Whether the proposed issuances by Essex of its capital stock and short-term promissory note and its assumption of the liabilities of the merging companies satisfy the standards of section 7 of the act.

6. Whether, in connection with such acquisitions and assumptions of liability, the Commission should impose any terms or conditions in the public interest or the interest of investors or consumers.

7. Whether the proposed solicitation material to be sent to the stockholders of Lowell is in conformity with the standards of section 12 (e) of the act and Rule U-62 promulgated thereunder.

8. Whether the accounting entries proposed to be recorded in connection with the proposed transactions are proper, conform to sound accounting principles, and meet the standards of the act and rules and regulations thereunder.

9. Whether the fees and expenses to be incurred in connection with the proposed transactions are not reasonable.

10. Generally, whether the proposed transactions are in all respects in the public interest and in the interest of investors and consumers and consistent with all applicable requirements of the act, and the rules and regulations thereunder, and if not, what modifications or terms and conditions should be required or imposed to meet such requirements.

It is further ordered, That particular attention be directed at the public hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of this Commission shall give notice of the aforesaid hearing by mailing copies of this notice and order by registered mail to the Massachusetts Department of Public Utilities, The Federal Power Commission, NEES, Amesbury, Essex, Haverhill, Lawrence, Lowell and NEPCO, and that notice to all other persons shall be given by publication of this Notice and Order in the FEDERAL REGISTER and by a general release of this Commission in respect of this Notice and

Order which shall be distributed to the press and mailed to the persons appearing on the mailing list of the Commission for releases under the act.

It is further ordered, That New England Electric System shall cause a copy of this notice and order to be mailed to each of the stockholders of the companies being merged (in so far as the identity of such security holders are known) at least 15 days prior to the hearing date on the application-declaration.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-727; Filed, Jan. 30, 1957; 8:48 a. m.]

[File No. 24S-1514]

NORTHWEST OIL AND REFINING CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JANUARY 25, 1957.

I. Northwest Oil and Refining Corporation ("Northwest"), a Delaware corporation, 120 North 30th Street, Billings, Montana, filed with the Commission on December 26, 1956, a notification and subsequently filed an amendment thereto, relating to an offering of 150,000 shares of its common stock, par value $1.00, at $2.00 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that the notification contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made in the light of the circumstances under which they are made not misleading in that:

1. The offering circular omits:

a. To set forth the amount to be paid each of the sellers of properties.

b. To set forth clearly the interests York Montana Company has in the producing properties.

c. To give adequate information as to the operating history and earnings of the refinery.

d. To set forth adequate information relative to the average of and range of operating costs per barrel of crude oil produced from the various leases.

e. To set forth the average of and range of the API gravity of the oil produced and the average price received per barrel.

f. To set forth the percentage of water in the fluid produced in each well.

g. To set forth the terms of Northwest's contract to purchase, including

(1) What rights Northwest will have to commence operations prior to December 31, 1960, the date for the completion of the payments thereunder.

(2) What forfeiture provisions are contained in the contract of purchase.

h. To show, in connection with the interests which Northwest has contracted to purchase:

(1) The manner in which John Stuart acquired the rights assigned to Northwest.

(2) The terms of the agreement to purchase assigned by Stuart to Northwest.

i. To show the relationship between the Hanlon Oil Company and Northwest.

j. To furnish adequate financial statements of the issuer's predecessor, the Hanlon Oil Company.

2. The offering circular is inaccurate and misleading:

a. By inclusion of a reserve report nearly one year old without any deduction for oil produced between the date of such report and the present date, either by a supplemental note to such report or by any statement elsewhere in the offering circular.

b. By inclusion of a reserve report covering certain interests which, according to the offering circular, are not to be owned by the issuer.

c. By implying in the description of properties that a 100 percent interest was held in certain properties, when it appears only a 51 percent interest was obtained.

d. By inclusion of an operation statement showing the total net income from 100 percent interests in properties, when the issuer does not have the 100 percent interest in some of the properties. A footnote to the schedule only partly shows the actual interests.

III. *It is ordered,* Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given to Northwest Oil and Refining Corporation and to any person having any interest in the matter that this order has been entered, that the Commission upon receipt of a written request within thirty days after the entry of this order will, within twenty days after the receipt of such request, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether to vacate the order or to enter an order permanently suspending the exemption without prejudice, however, to the consideration and presentation of additional matters at the hearing, that if no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission, and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-728; Filed, Jan. 30, 1957; 8:48 a. m.]

SMALL BUSINESS ADMINISTRATION

[S. B. A. Pool Request 19]

WEST VIRGINIA STEEL AND MANUFACTURING CO.

WITHDRAWAL FROM MEMBERSHIP IN HUNTINGTON PRODUCTION POOL—A SMALL BUSINESS PRODUCTION POOL

Pursuant to section 217 of the Small Business Act of 1953, as amended, the request to the following company to participate as a member in the operations of the Huntington Production Pool, Huntington, West Virginia, is hereby withdrawn.

The acceptance of this company appeared in 21 F. R. 1689, on March 16, 1956.

West Virginia Steel & Manufacturing Company, P. O. Box 118, Huntington, West Virginia.

(Sec. 217 of Pub. Law 163, 83rd Cong.; E. O. 10493, Oct. 16, 1953, 18 F. R. 6583)

Dated: January 24, 1957.

WENDELL B. BARNES, *Administrator.*

[F. R. Doc. 57-729; Filed, Jan. 30, 1957; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 28, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33200: *Aluminum residue—Virginia points to Rock Creek, Ohio.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on aluminum fluxing salt residue, carloads from Richmond and Bellwood, Va., to Rock Creek, Ohio.

Grounds for relief: Circuitous routes.

Tariffs: Supplement 9 to Agent C. W. Boin's I. C. C. A-1116; Supplement 200 to Agent R. B. LeGrande's I. C. C. 253.

FSA No. 33201: *Coal tar oil—Woodward, Ala., to Follansbee, W. Va.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on coal tar oil, tank-car loads from Woodward, Ala., to Follansbee, W. Va.

Grounds for relief: Truck-barge competition and circuitous routes.

Tariff: Supplement 250 to Agent C. A. Spaninger's I. C. C. 1351.

FSA No. 33202: *Scrap iron and steel—Springfield, Mo., to Alabama and Tennessee.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on scrap iron and steel, carloads from Springfield, Mo., to Birmingham, Ala., and group and Woodstock, Tenn.

Grounds for relief: Circuitous routes.

Tariff: Supplement 51 to Agent Kratzmeir's tariff I. C. C. 4187.

FSA No. 33203: *Cinders—Kenlite, Ky. to Indiana and Ohio.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on cinders, shale, carloads, from Kenlite, Ky., to specified points in Indiana and Ohio.

Grounds for relief: Circuitous routes.

Tariff: Supplement 91 to Agent C. A. Spaninger's I. C. C. 1469.

FSA No. 33204: *Fertilizer compounds—Southern points to Raleigh, N. C.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on superphosphate (acid phosphate) and fertilizer compounds (manufactured fertilizer), noibn, dry, carloads, from Augusta, Ga., Greenville, Tenn., Spartanburg, S. C. and Winston Salem, N. C., to Raleigh, N. C.

Grounds for relief: Circuitous routes.

Tariff: Supplement 58 to Agent C. A. Spaninger's I. C. C. 1510.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 57-725; Filed, Jan. 30, 1957; 8:48 a. m.]

[Ex Parte No. 206]

EASTERN AND WESTERN TERRITORIES INCREASED FREIGHT RATES, 1956

In the Matter of further consideration of the Petition dated January 17, 1957, for Leave to Amend and Supplement Petition dated October 15, 1956, filed by freight forwarders parties to the above-entitled proceeding.

Present: Howard G. Freas, Chairman, Division 2, to whom the matters which are the subject of this order have been assigned for action thereon.

It appearing that on January 18, 1957, the Commission entered an order authorizing the petitioning freight forwarders, among other things, to file certain supplemental and additional verified statements on or before February 1, 1957.

Upon further consideration of petition for leave to amend and supplement petition of October 15, 1956, and good cause appearing therefor:

It is ordered, That the said order of January 18, 1957, be, and it is hereby, modified to permit filing of supplemental and additional verified statements by the petitioning freight forwarders on or before February 20, 1957.

And it is further ordered, That except as modified herein the said order of January 18, 1957, shall remain in full force and effect.

And it is further ordered, That a copy of this order be served on all parties to this proceeding, and that a notice of this proceeding be given to the public by posting a copy of this order in the Office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D. C., this 25th day of January A. D. 1957.

By the Commission, Commissioner Freas.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 57-726; Filed, Jan. 30, 1957; 8:48 a. m.]